

Marked Agendas
Approved Minutes
Approved Reports

CITY COUNCIL REPORT



Meeting Date: June 11, 2019
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses*

ACTION

The Living Room Gainey Ranch 16-UP-2018

Request to consider the following:

Find the conditional use permit criteria have been met and adopt Resolution No. 11486 approving a Conditional Use Permit for live entertainment in a +/- 9,670 square feet restaurant located at 8977 N. Scottsdale Road, Suite 500 with Central Business District Planned Community District (C-2 PCD) zoning.

Goal/Purpose of Request

The applicant's request is to operate a restaurant with live entertainment.

Key Items for Consideration

- Conditional Use Permit Criteria for live entertainment
- Correspondence received with concerns on live entertainment
- Planning Commission heard this case on April 24, 2019 and recommended approval with a 6-0 vote.

OWNER

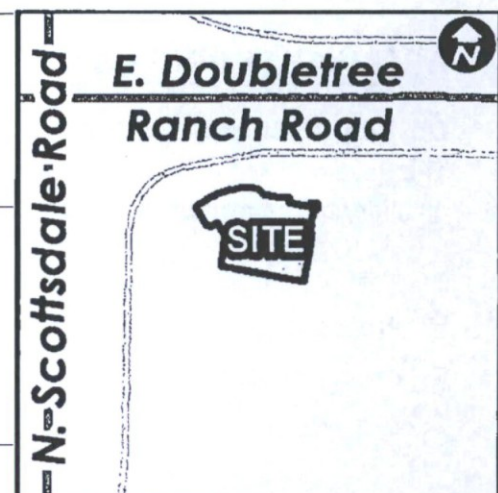
The Living Room
602-697-5981

APPLICANT CONTACT

Tony Eden
The Living Room
480-244-3573

LOCATION

8977 N Scottsdale Rd Ste 500



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Commercial. This category includes areas designated for commercial centers providing goods and services to the surrounding areas.

Zoning

The site is zoned Central Business District, Planned Community District (C-2 PCD). Live Entertainment for a restaurant is permitted subject to a Conditional Use Permit (CUP).

Context

The subject building is part of a mixed-use, multi-building commercial center at the southeast corner of N. Scottsdale Road and E. Doubletree Ranch Road. The pad building is located at the northwest corner of the center and is occupied by this establishment and other restaurants. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: E. Doubletree Ranch Road and Gainey Ranch Pavilions community zoned Multi-Family Residential District, Planned Community District (R-5 PCD)
- South: Gainey Village Retail center zoned Central Business District, Planned Community District (C-2 PCD)
- East: Gainey Village Retail center zoned Central Business District, Planned Community District (C-2 PCD)
- West: N. Scottsdale Road and Paradise Valley residential zoned homes and undeveloped properties.

Other Related Policies, References:

Scottsdale General Plan 2001, as amended

Zoning Ordinance

73-ZN-1986#2: rezoned the site from Multi-Family Residential District, Planned Community District (R-5 PCD) to Central Business District, Planned Community District (C-2 PCD)

94-DR-1998#3

APPLICANTS PROPOSAL

Development Information

The development proposal includes live entertainment in an existing restaurant which will be ancillary to the primary restaurant use.

- Existing Use: Restaurant
- Proposed Use: Restaurant with Live Entertainment
- Gross Floor Area: 6,540 square feet
- Patio Areas 1,986 square feet

- Parking Required: 27 spaces (501 spaces for entire commercial center)
- Parking Provided: 711 spaces (for entire commercial center)

IMPACT ANALYSIS

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **The proposed live entertainment is stipulated to be contained within a completely enclosed building and limited to Sunday from 11:00 am to 2:00 pm and Saturday from 11:00 am to 10:00 pm. Residential homes are located approximately 250 feet north of this restaurant. No damage or nuisance from noise, smoke, odor, dust, vibration or illumination is anticipated.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **This establishment will operate as a full-service restaurant. No changes to the existing floor plan or operational characteristics are proposed as part of this application. Vehicular access to the site is provided by one primary access point off N. Scottsdale Road, which is classified as a Major Arterial in the Transportation Master Plan, and a secondary access point is provided off E. Doubletree Ranch Road at the northeast corner of the commercial center. The commercial center is occupied by retail, service, and restaurant uses that generate vehicular traffic throughout the day, including evening hours. No significant impacts to existing traffic patterns are anticipated.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **This establishment is located in a mixed-use, multi-tenant commercial center occupied by a wide range of uses, including restaurants, retail and personal service. The addition of live entertainment to an existing restaurant is compatible with the use mix in the surrounding area.**
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for live entertainment as identified in Zoning Ordinance Section 1.403.K., including:
 1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.

- **A Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Department.**
2. The applicant has provided written evidence that all sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.
 - **The live entertainment is stipulated that all doors and windows will be closed and external speakers provided on the patio will be turned off during the hours live entertainment is provided.**
 3. The applicant has provided a lighting plan that addresses exterior lighting on the property in accordance with Article VII of the Zoning Ordinance and the Security and Maintenance Plan requirements.
 - **The establishment is part of an existing multi-tenant commercial center that includes pole-mounted parking lot lighting, pedestrian-scale bollards, and wall-mounted sconces. Existing site lighting is sufficient to guide patrons to the main entrance of the establishment. No new lighting is proposed.**
 4. The applicant has provided a floor plan which identifies the area(s) for the primary use and for accessory functions, including but not limited to areas for performances.
 - **The applicant has provided a floor plan that clearly identifies the area of the establishment where the live entertainment is to be located.**
 5. If the establishment is not in the Downtown Area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as Minor Collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards.
 - **The establishment is located outside the Downtown boundary and access to the establishment is provided off N. Scottsdale Road, which is designated as a Major Arterial by the Transportation Master Plan. No traffic analysis is required.**
 6. If the Zoning Administrator determines that a parking study is necessary, the applicant shall provide a study which complies with the City's requirements.
 - **The establishment is part of an existing multi-tenant commercial center with a large field of on-site parking, sufficient to meet the requirements of the Zoning Ordinance. No parking analysis is required.**

7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use on the area.
 - **Information provided with the CUP application is sufficient for staff to determine potential impacts on the surrounding area.**
8. All building openings, such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by the Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.
 - **The live entertainment use is stipulated that all doors and windows will be closed during the hours live entertainment is provided.**
9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use which is located within five hundred (500) feet of a residential district shown in Table 4.100A.
 - **The nearest residence is located approximately 250 feet north of the establishment. The live entertainment is stipulated that the external speakers on the patio will be turned off during the hours live entertainment is provided. No outdoor live entertainment is proposed.**
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
 - **The stipulations for this live entertainment include substantial conformance to the floor plan provided by the applicant as part of this application.**
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
 - **The establishment is part of an existing multi-tenant commercial center that includes pole-mounted parking lot lighting, pedestrian-scale bollards, and wall-mounted sconces. Existing site lighting is sufficient to guide patrons to the main entrance of the establishment, and no changes to the lighting plan approved by the Development Review Board are proposed as part of this application.**
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.
 - **The applicant understands the proposed live entertainment use is subject to the provisions of the City's Noise Ordinance.**

Public Safety

The nearest fire station is located at 7455 E. Shea Blvd., approximately one mile from the site. No significant impacts to existing service levels are anticipated. The Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department.

Liquor License Review

The establishment is currently operating under an existing Series 12 (restaurant) liquor license, approved under case 65-LL-2016.

Community Involvement

The site is posted with the required signage and property owners within 750 feet of the site have been notified of the applicant's request. Staff has received written public comments with concerns on the proposed live entertainment request (Attachment #7).

OTHER BOARDS AND COMMISSIONS

Planning Commission:

Planning Commission heard this case on April 24th, 2019 and recommended approval with a 6-0 vote.

Staff Recommendation to Planning Commission:

Staff recommended that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval, per the attached stipulations.

RECOMMENDATION

Find the conditional use permit criteria have been met and adopt Resolution No. 11486 approving a Conditional Use Permit for live entertainment in a +/- 9,670 square feet restaurant located at 8977 N. Scottsdale Road, Suite 500 with Central Business District Planned Community District (C-2 PCD) zoning.

RESPONSIBLE DEPARTMENT(S)

Planning and Development Services

Current Planning Services

STAFF CONTACT(S)

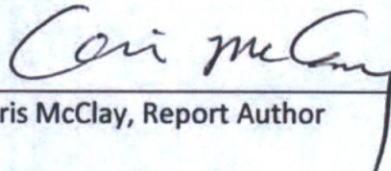
Doris McClay

Senior Planner


480-312-4214

E-mail: dmccclay@ScottsdaleAZ.gov

APPROVED BY


Doris McClay, Report Author

5/13/19
Date


Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

5/17/2019
Date


Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

5/20/19
Date

ATTACHMENTS

1. Context Aerial
2. Resolution No. 11486
 - Exhibit 1: Aerial Close-up
 - Exhibit 2: Stipulations
 - Exhibit A to Exhibit 2: Site Plan
 - Exhibit B to Exhibit 2: Floor Plan
 - Exhibit 3: Additional Conditions
3. Applicant's Narrative
4. Zoning Map
5. Citizen Involvement
6. City Notification Map
7. Correspondence
8. Security, Maintenance and Operations Plan
9. April 24, 2019 Planning Commission Minutes
10. April 24, 2019 Planning Commission Public Comment



The Living Room Gainey Ranch

16-UP-2018

RESOLUTION NO. 11486

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT FOR A +/-9,670 SQ. FT. RESTAURANT LOCATED AT 8977 N. SCOTTSDALE RD SUITE 500 WITH CENTRAL BUSINESS PLANNED COMMUNITY DISTRICT (C-2 PCD) ZONING.

WHEREAS, the Planning Commission held a public hearing on April 24, 2019 and

WHEREAS, the City Council, held a public hearing on June 11, 2019.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that compliance with the additional conditions for live entertainment, set forth on Exhibit 3, is required.

Section 2. That a description of the conditional use permit is set forth in Case No. 16-UP-2018. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibits 2 and 3. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this _____ day of _____ 2019.

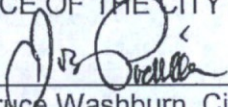
ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Bruce Washburn, City Attorney
By: Joe Padilla, Deputy City Attorney



Q.S.
26-45

Google Earth Pro Imagery



The Living Room Gainey Ranch

Exhibit 1
Resolution No. 11486
Page 1 of 1

16-UP-2018

Conditional Use Permit – Live Entertainment

Stipulations:

The Living Room Gainey Ranch for

Case Number: 16-UP-2018

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by FM Group Inc. and with the city staff date of 10/3/18, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted with the city staff date of 10/3/18, attached as Exhibit B to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **NO BAR USE.** This Conditional Use Permit is for live entertainment only, and a bar use is not approved as part of this request.
4. **HOURS OF LIVE ENTERTAINMENT.** The hours of the live entertainment for this establishment shall be limited to:

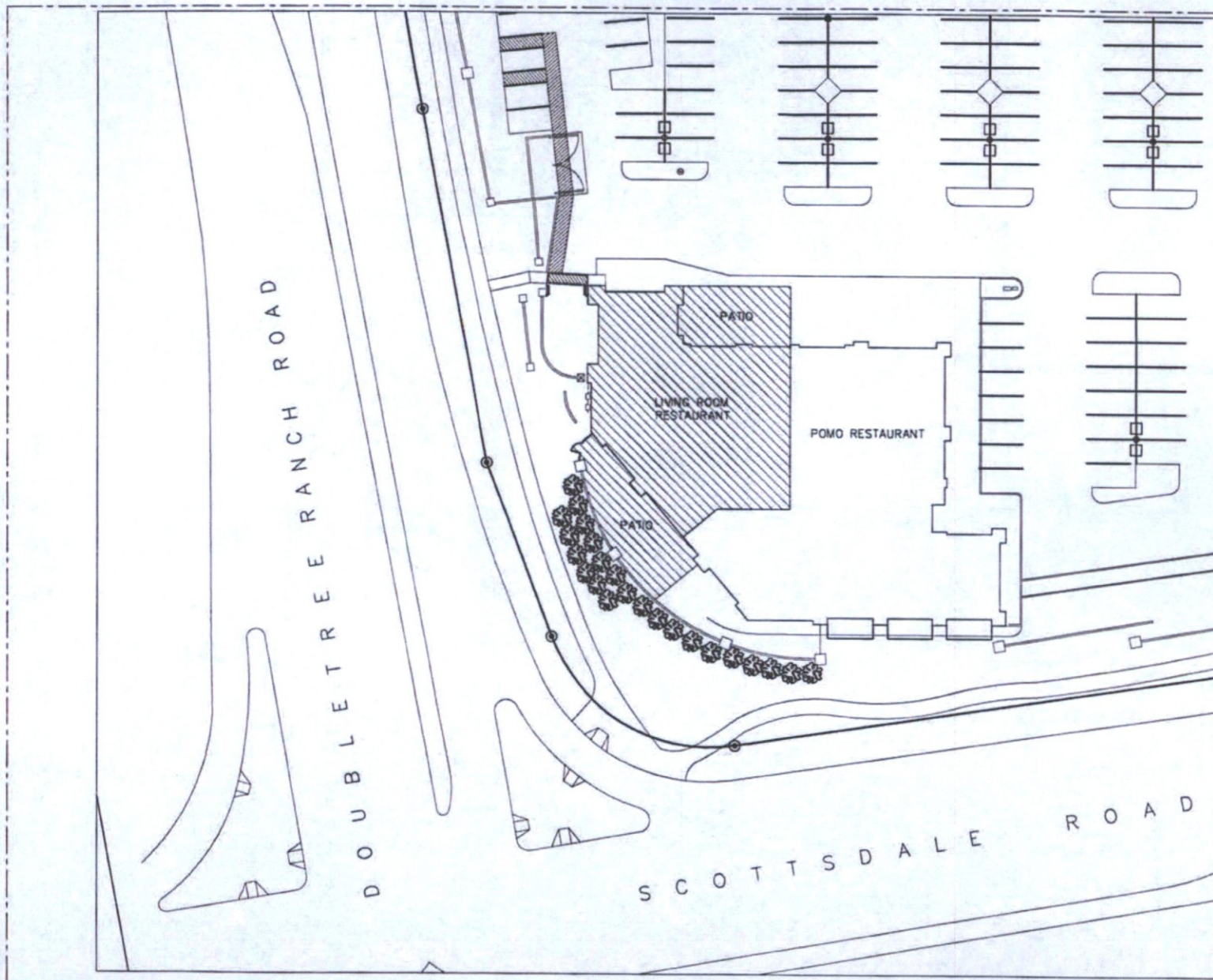
| | Allowed Start of the Live Entertainment | To | Required End of the Live Entertainment |
|----------|--|----|---|
| Sunday | 11:00 am | To | 2:00 pm |
| Saturday | 11:00 am | To | 10:00 pm |

5. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The live entertainment shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning and Development Services Department. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Department. At least ten (10) days before any operational change of the live entertainment, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Department. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning and Development Services Department.

6. **NOISE.** In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee. Amplified music shall be limited to the times that State law allows liquor sales at this establishment.
7. **EXTERNAL LIVE ENTERTAINMENT.** No external live entertainment is permitted.
8. **EXTERNAL SPEAKERS.** External speakers shall only transmit pre-recorded music and shall not be connected to any live entertainment equipment. External speakers, including speakers for televisions, shall be turned off during the hours live entertainment is provided.
9. **EXTERNAL DOORS.** All external doors shall be closed, except for passage, but not locked during Live Entertainment.
10. **EXTERNAL WINDOWS.** All external windows shall be closed during live entertainment.

ADMINISTRATIVE PROCESS

11. **CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW.** Within ten (10) days after a request by the Zoning Administrator or designee, the owner, shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
12. **CHANGES IN OWNERSHIP.** Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.



ARCHITECT

FM GROUP INC.
15074 N. 7TH ST. SUITE 100
SCOTTSDALE, AZ 85260
602.277.7877

CONSULTANT

CLIENT

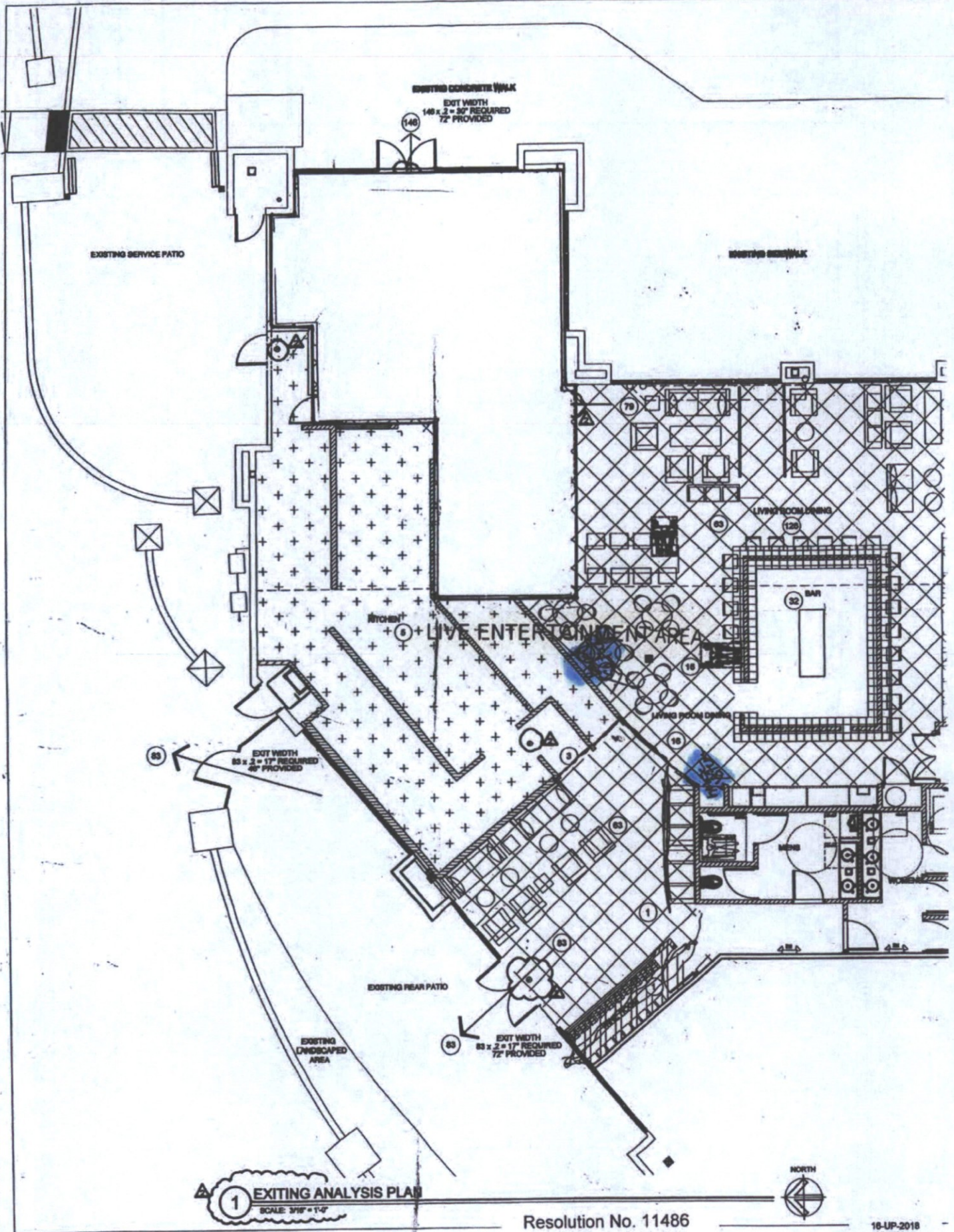
KATALYST
RESTAURANT CONCEPTS

PROJECT: **LIVING ROOM**
WITH MODERN RESTAURANT
SHOPS AT GAINES VILLAGE
8517 SCOTTSDALE RD
SCOTTSDALE, AZ

| | |
|-----------------|-----------------|
| DATE: 10/3/2018 | BY: [Signature] |
| DATE: 10/3/2018 | BY: [Signature] |
| DATE: 10/3/2018 | BY: [Signature] |
| DATE: 10/3/2018 | BY: [Signature] |
| DATE: 10/3/2018 | BY: [Signature] |

SITE PLAN

A0



K.

Live entertainment.

1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.
2. The applicant has provided written evidence that sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.
3. The applicant has provided a lighting plan that addresses exterior lighting on the property, in accordance with Article VII. of the Zoning Ordinance and the Security and Maintenance Plan requirements.
4. The applicant has provided a floor plan which identifies the areas for the primary use and for accessory functions, including but not limited to areas for performances.
5. If the establishment is not in the Downtown Area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards.
6. If the Zoning Administrator determines that a parking study is necessary, the applicant shall provide a study which complies with the City's requirements.
7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.
8. All building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.
9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use, which is located within five hundred (500) feet of a residential district shown on Table 4.100.A.
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.

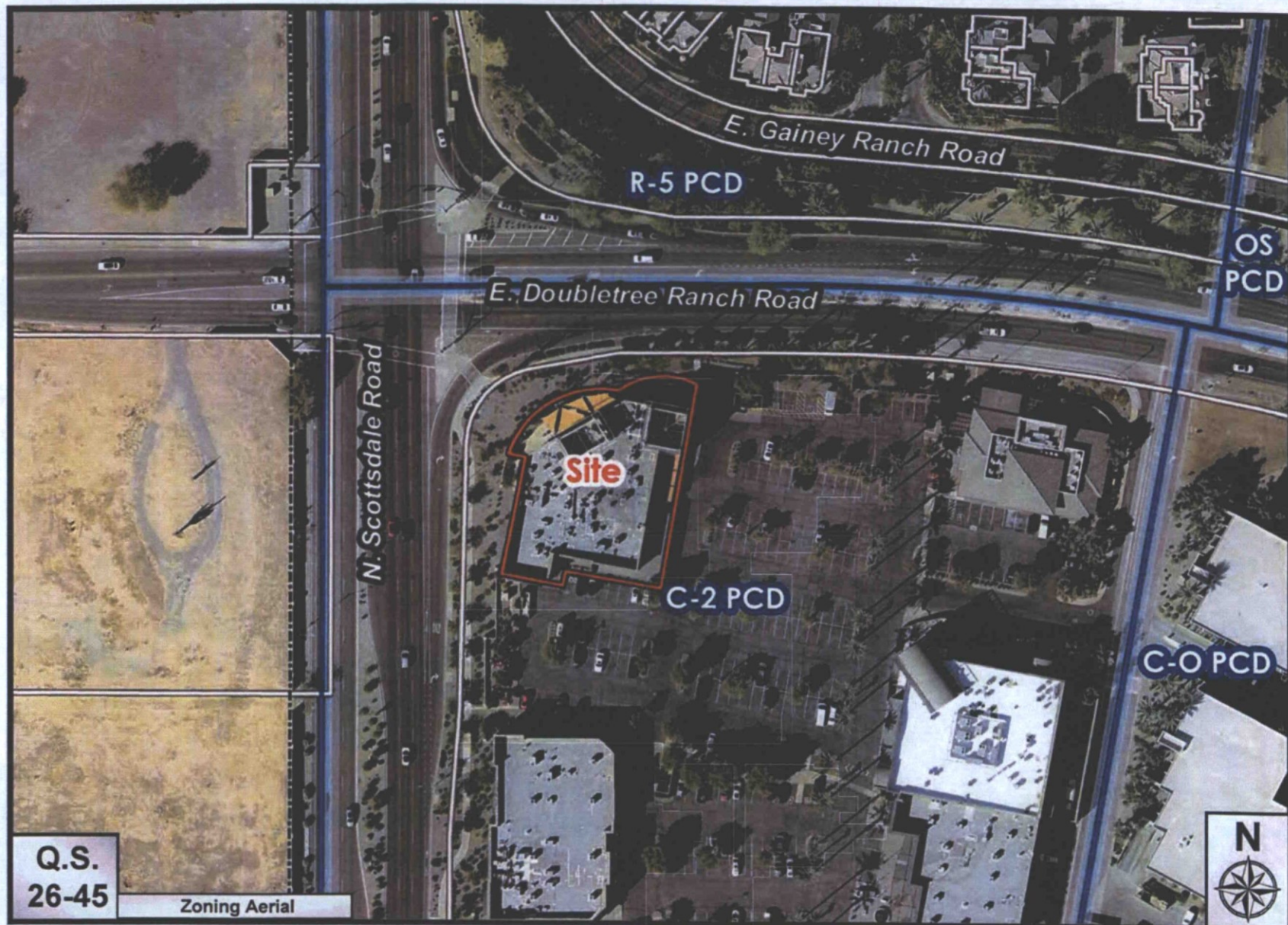
Live Entertainment Use Permit LR Gainey

To whom it may concern:

The Living Room Gainey Ranch is requesting a Conditional Use Permit to have Live Entertainment inside our building. Our goal is to provide a two or three piece band. We would like to have them play on Saturday nights from the hours of 7 pm to 10 pm. Furthermore will would like to provide an acoustic guitarists for Saturday and Sunday Brunches from 11 am to 2 pm. We will not have amplification from their instruments on our house system. We will not play their music on the back patio adjacent to Scottsdale Rd and Doubletree. We will be hosting a open house at the restaurant on Tuesday October 2nd from 4 pm to 6 pm to receive any comments and concerns. Thank You for consideration on this matter.

Regards,

Living Room Management Team
8977 N. Scottsdale Rd. Suite 500
Scottsdale AZ, 85253
4806346709



The Living Room Gainey Ranch

16-UP-2018

ATTACHMENT 4

Live Entertainment Use Permit LR Gainey

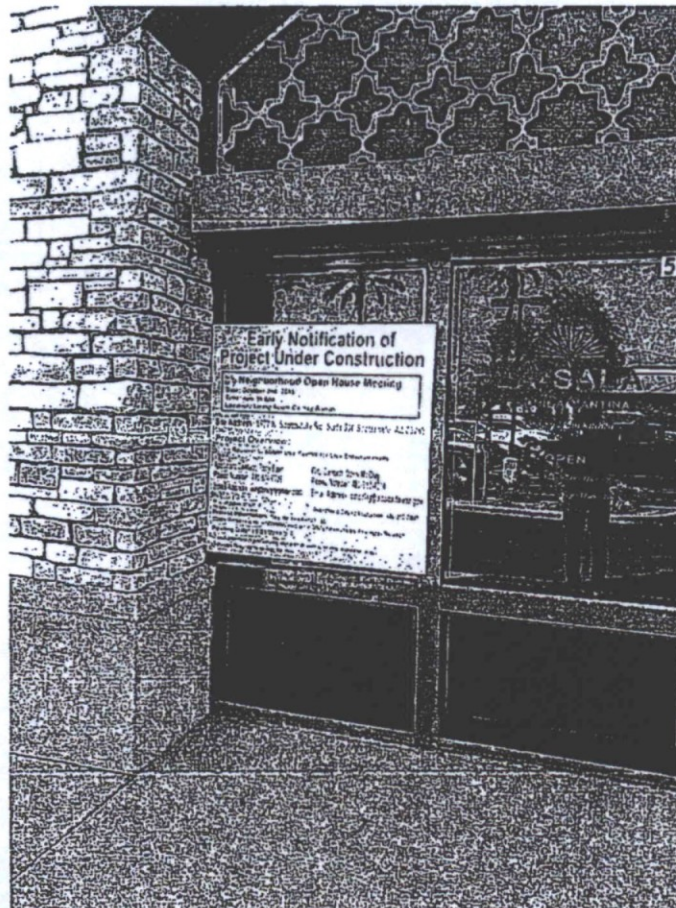
To whom it may concern:

The Living Room Gainey Ranch is requesting a Conditional Use Permit to have Live Entertainment inside our building. Our goal is to provide a two or three piece band. We would like to have them play on Saturday nights from the hours of 7 pm to 10 pm. Furthermore will would like to provide an acoustic guitarists for Saturday and Sunday Brunches from 11 am to 2 pm. We will not have amplification from their instruments on our house system. We will not play their music on the back patio adjacent to Scottsdale Rd and Doubletree. We will be hosting a open house at the restaurant on Tuesday October 2nd from 4 pm to 6 pm to receive any comments and concerns. Thank You for consideration on this matter.

Regards,
Living Room Management Team
8977 N. Scottsdale Rd. Suite 500
Scottsdale AZ, 85253
4806346709

ATTACHMENT 5

16-UP-2018
10/3/2018



16-UP-2018
10/3/2018

Community Input Certification



CASE NO: _____

PROJECT LOCATION: The Living Room Gainey Ranch

COMMUNITY INPUT CERTIFICATION

In the City of Scottsdale it is important that all applicants for rezoning, use permit, and/or variances inform neighboring residents, affected school districts, and other parties that may be impacted by the proposed use, as well as invite their input. The applicant shall submit this completed certification with the application as verification that such contact has been made.

| DATE | NAME (Person, Organization, Etc. and Address) | Type of Contact | | |
|----------|---|-----------------|-------|--------|
| | | Meeting | Phone | Letter |
| 10/02/18 | ALLAN SEAMAN | / | | |
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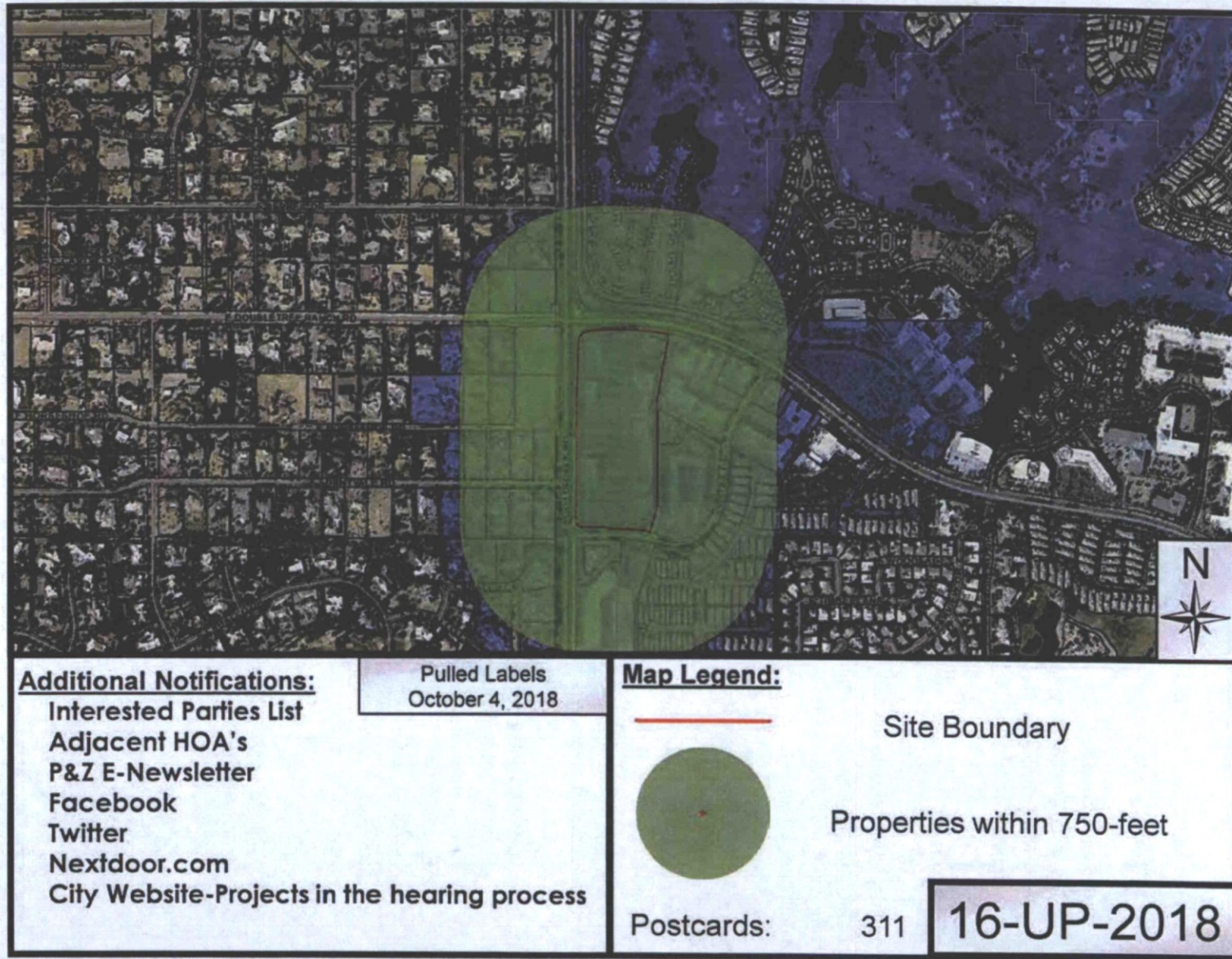

Signature of owner/applicant

10-2-2018
Date

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

City Notifications – Mailing List Selection Map



GAINEY RANCH
COMMUNITY ASSOCIATION

October 15, 2018

Doris McClay
Planning & Development Services
7447 E. Indian School Rd. Ste 105
Scottsdale AZ 85251-3915

Re: Cup application 16-UP-2018
The Living Room Gainey Ranch
8977 N. Scottsdale Rd. Ste. 500
Scottsdale AZ

Dear Ms. McClay;

I am writing in reference to the notice provided by The Living Room Gainey Ranch case number 16-UP-2018 requesting a **Conditional Use Permit** to allow live entertainment inside the building. As you know, the Living Room restaurant is located directly across from the Gainey Ranch community and specifically the Pavilions Condominiums at Gainey Ranch.

Please understand that Gainey Ranch is pleased to have the restaurant near our community, but at the same time are concerned that the noise impacts should doors or windows be open during the live music events. The Living Room patio is directly across from the Pavilions and could become a problem for our community members.


Gainey Ranch Community Association supports the current application for a CUP permit based upon the inclusion of the stipulations to protect the Gainey Ranch community, specifically;

- Live entertainment shall only occur inside the building consistent with the floor plan. No live amplified entertainment shall be provided on the patio.
- All external doors and windows shall be closed, but not locked during the hours live entertainment is provided.
- No live music after 10:00 pm any day of the week.
- No special event permits for The Living Room restaurant be issued without Gainey Ranch Community Association communication and comment.

If these conditions are agreed to as a part of the Conditional Use Permit, Gainey Ranch will acknowledge the same to the Planning Commission for the CUP hearing.

With the upcoming CUP application process it is extremely important that the Gainey Ranch community be heard and that stipulations with the CUP reflect our concerns.

Respectfully,


James A. Funk
Executive Director Gainey Ranch

ATTACHMENT 7

McClay, Doris

From: Acevedo, Alex
Sent: Wednesday, October 10, 2018 8:42 AM
To: McClay, Doris
Subject: RE: The Living Room 16-up-2018 To: Doris McClay

Follow Up Flag: Follow up
Flag Status: Flagged

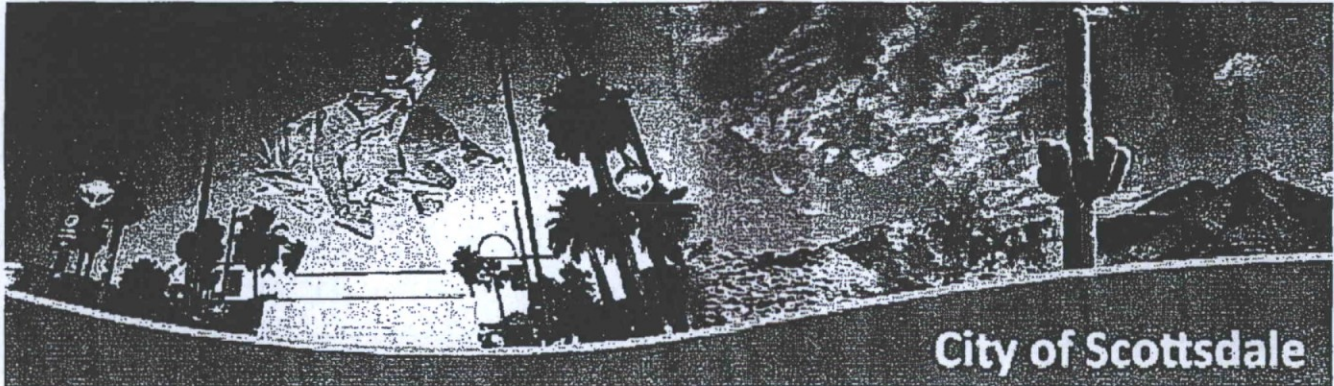
I save a copy for the CDS folder.

Thank you,

Alex Acevedo

Planning Specialist
City of Scottsdale
Planning & Development Services
Phone: 480-312-2542
7447 E Indian School Rd. #105
Scottsdale, AZ 85251

From: alanlezak@hotmail.com <alanlezak@hotmail.com>
Sent: Tuesday, October 09, 2018 8:59 PM
To: Acevedo, Alex <AAcevedo@scottsdaleaz.gov>
Subject: The Living Room 16-up-2018 To: Doris McClay



The requested permission for CUP doesn't go far enough. Gainey Ranch and the Downside Risk spent hours and dollars negotiating an acceptable CUP. I, as a resident of the Pavilions at Gainey Ranch want the CUP to be similar to what was negotiated for the Downside Risk. In order to protect the residents of Gainey Ranch there can't be any live music on either patio. In addition music played inside must only be played with the windows closed. Across the street from the Living Room are residences. -- sent by Alan Lezak (case# 16-UP-2018)

SPD File#

Returned for Corrections: 022719

Expiration Date: 030421

CoS TPT



Date Submitted:

Date of Approval:

Liquor License #:

CoS Spirituous Liquor

City of Scottsdale Public Safety Plan Application

1. Objective:

The purpose of this ordinance is to promote the general health, safety and welfare of citizens, visitors, businesses and the community in general by requiring businesses that engage in certain activities within the city to file, follow and keep current a public safety plan.

2. Identification:

- A. Scottsdale Address: 8977 N. Scottsdale Rd. Suite 500
- B. SFD Building Occupancy Limit: 332
- C. Occupancy Type (circle one): A-2 (bar, tavern, night club, restaurant), A-3 (dance hall), or A-4 (skating rink, WestWorld)
- D. Staffing Ratios:
- a. 1:50+1:75 (500+Patrons) 1:75 (60% Food Sales) 1:100 (90% Fixed Seating)
 - b. You must include supporting documentation for ratios of 1:75 and 1:100.
- E. Company Entity (Corporation, LLC, Partnership, etc): Living Room Gaiety Ranch LLC
- F. DBA (doing business as): The Living Room Gaiety Ranch
- G. Company Members: (please use addendum, if necessary): SEE ADDENDUM pgm

H. Contact Information:

- a. Mobile Phone: 602-803-5225
- b. Business Phone: 480-634-6709
- c. Email: LSLR-gaiety@gmail.com
- d. In Case of Emergency: Tim Valencia

3. APPLICABILITY: This application for a Public Safety Plan is submitted because my business engages in the following activity(ies) (MARK ONE OR MORE ACTIVITIES IN WHICH YOU ENGAGE):

- ☐ Age Verification is Requested for Admittance.
- ☒ Provide a Disc Jockey
- ☐ Provide an Adult Service as Defined in Section SRC 16-237
- ☐ Teen Dances, Consistent with Section SRC 16-391, are conducted.
- ☐ A Promoter is Utilized.

4. PLAN OF OPERATION:

- a. The plan of operation includes a crowd management plan, hours of operation, and identification of peak hours (presumption: 9PM-2AM, Thursday-Saturday):

Hours of Operation:

Monday: 11am to 10pm

Tuesday: 11am to 10pm

Wednesday: 11am to 10pm

Thursday: 11am to 10pm

Friday: 5pm to 11pm

Saturday: 10am to 11pm

Sunday: 10am to 10pm

Initials of Applicant

JE

I HAVE RECEIVED AN APPROVED
COPY OF MY PUBLIC SAFETY
PLAN.

PD2013-9898PSRA_v1 (10-2013)

ATTACHMENT 8

Peak Hours:


Monday: _____
Tuesday: _____
Wednesday: _____
Thursday: _____
Friday: 5 to 8pm
Saturday: 6 to 9pm
Sunday: _____

5. NARRATIVE:

- a. YOU MUST ATTACH A NARRATIVE OF YOUR PLAN OF OPERATION TO THIS APPLICATION WHICH INCLUDES THE FOLLOWING ELEMENTS:
- Diagram of Building Including Interior Build-Outs; 8.5"x11" (see example)
 - Diagram of Parcel or Lot; 8.5"x11" (see example)
 - Scottsdale Fire Department Approved Occupancy Limit
 - Safety Conditions and Considerations
 - Crowd Management Plan
 - Patron Parking, Ingress, Egress, Vehicular and Pedestrian Traffic Control
 - Log of All Employees Including: Full Legal Name, Date of Birth, Current Address, Job Title, and Contact Phone Number (see SRC 23-57 for special requirements and ratio of security officers to patrons) (Similar to the Title 4 Requirements)
 - Contact Person and Information Designating Who Is Authorized to Receive and Handle Complaints from the Public or City of Scottsdale on Behalf of the Business
 - Evacuation Routes
 - Evidence of Security Uniform With the Word "Security" on Both Front and Back and in Letters At Least 3-Inches in Height (see SRC 23-57.F)
 - Statement Regarding the Number of Security Staff Available During Peak Times and the Ratio of Security Staff to Patrons
 - Statement Regarding Use, if Applicable (i.e. 60% food sales, 90% fixed seating)

6. All final documents, including the narrative required by Section 5, submitted in support of this public safety plan application are incorporated into the approved public safety plan as conditions and requirements by this reference.
7. The provisions of Scottsdale Revised Code Sections 23-50 through 23-76 are incorporated into this public safety plan as conditions and requirements by this reference. Failure to comply with these code sections shall be considered a violation of this public safety plan.

As part of this application, I have read and understand the City of Scottsdale Public Safety Plan Ordinance. On behalf of Tom Kautra, I agree that Living Room, and its employees will comply with the Public Safety Plan Ordinance and its City approved public safety plan. I also certify that all the information submitted as part of this application is true and correct to the best of my knowledge.



Signature of Applicant

1/10/19

Date Signed

 3-5-19
Please email the completed application to: PSP@ScottsdaleAZ.gov

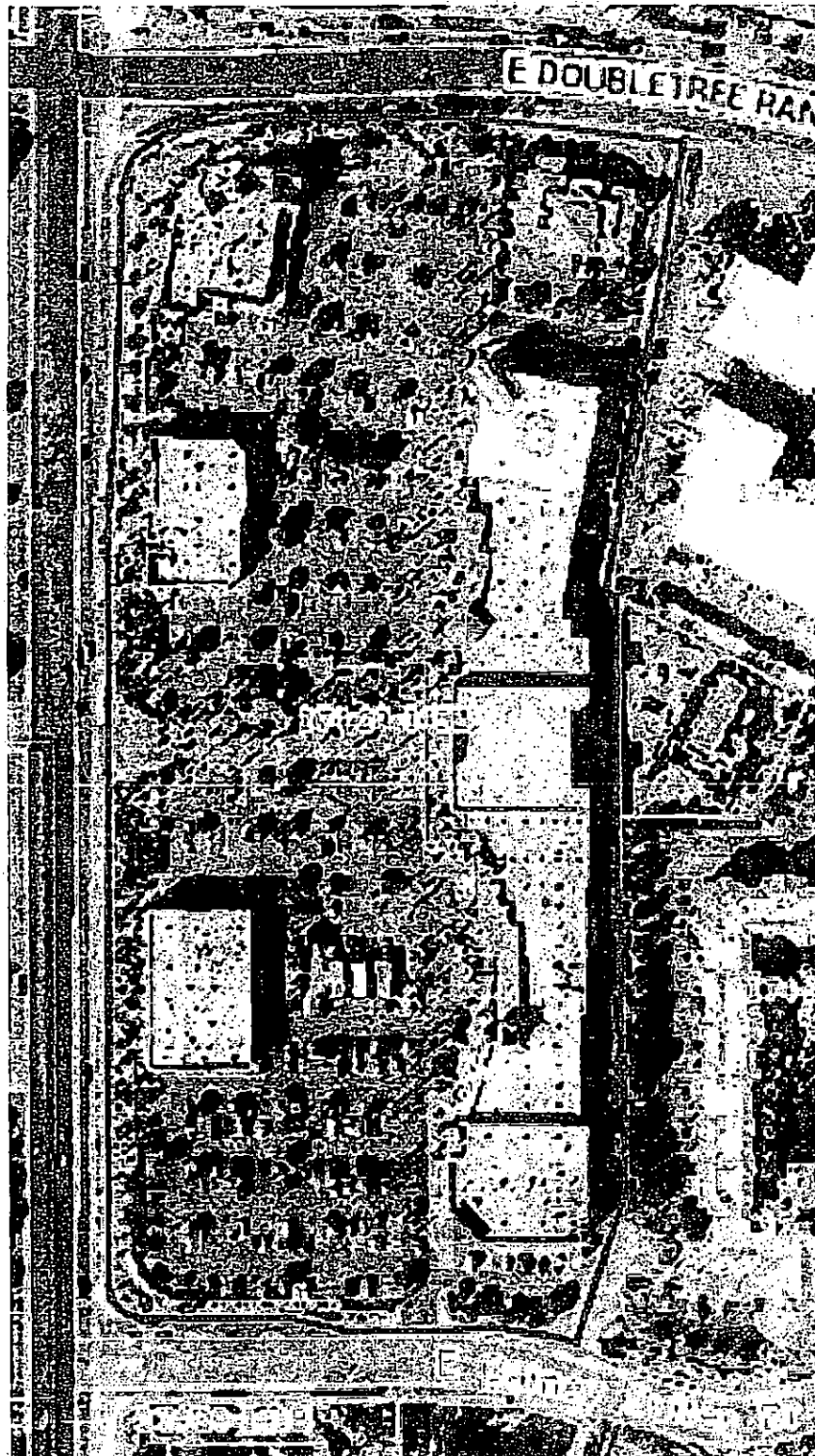
Initials of Applicant JK

Living Room Gainey List of Company Members required by 2.G

- Thomas Kaufman 602 697-5981
- Stephen Kovach II
- Geoffrey Thomas
- Charles Lawrence
- Patrick King

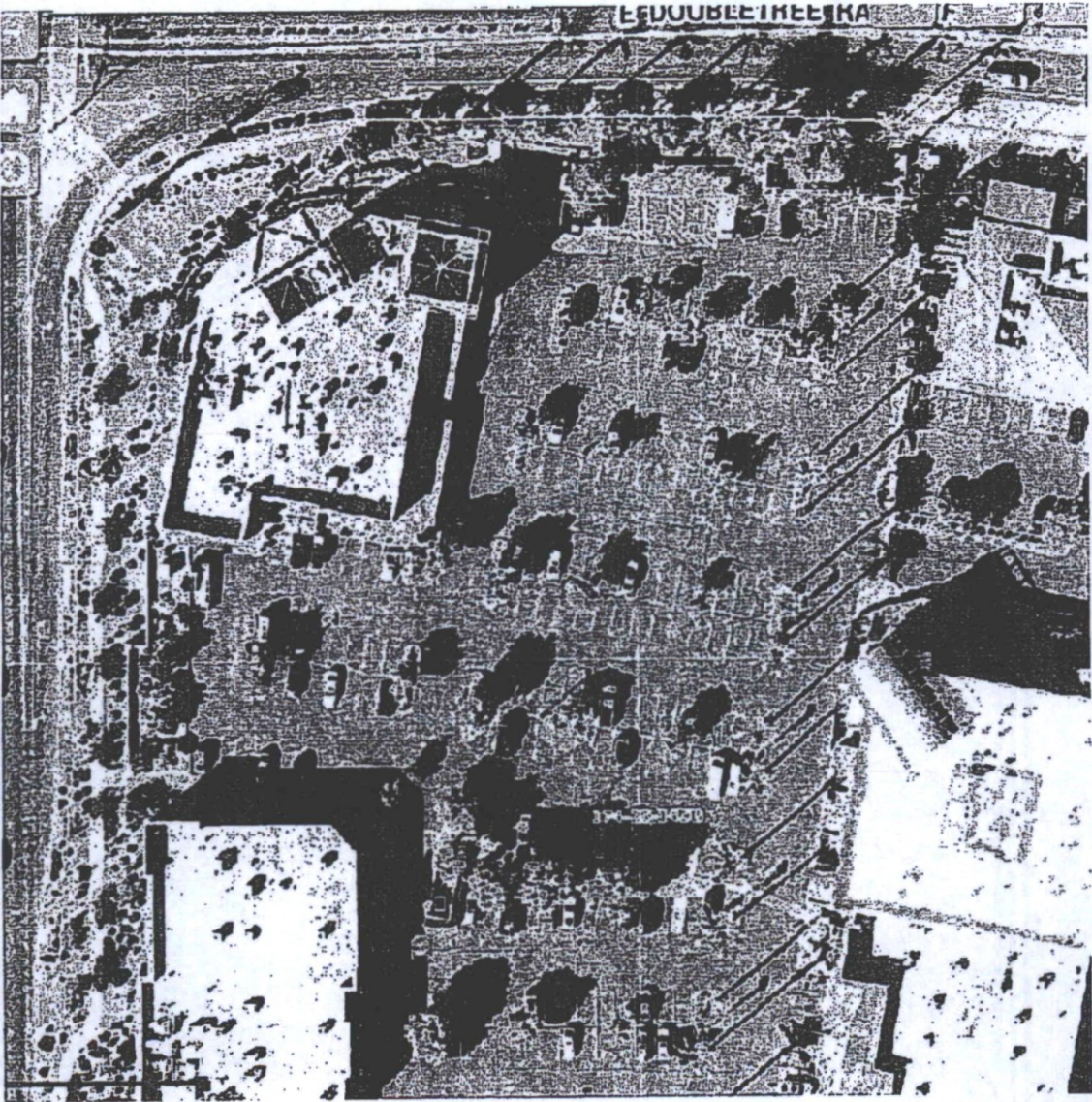
TE

ii. Diagram of Parcel for 8977 East Doubletree Ranch Road



TE

Diagram of Parking Lot and The Living Room Gainey Ranch, 8977 N Scottsdale Road #500



TE



CITY OF SCOTTSDALE
OFFICIAL OCCUPANT LOAD

332

Living Room
8977 N. Scottsdale Road
January 20, 2017

A handwritten signature of Michael L. Clack in black ink.

MICHAEL L CLACK, BUILDING OFFICIAL

A handwritten signature of Jim Ford in black ink.

JIM FORD, FIRE MARSHAL

1E

iv. Safety Conditions and Considerations

The Living Room Gainey Ranch

8977 North Scottsdale Road #500

Welcome to our Team! The Living Room Gainey Ranch prides itself on our amazing staff, outstanding customer service, and providing a safe environment for our patrons and employees.

Overview of Security Responsibilities

- Check the legal age of patrons.
- Provide a safe environment by enforcing restaurant rules and state laws.
- Perform fundamental safety tasks.
- Provide security for both staff and patrons.
- Monitor individuals based on behavior.
- Reduce liability by anticipating problematic patron behavior.

□ **Interior Bar and Patio-** Ensuring that all patrons are having a good time, supporting the door, making sure no one enters through patio other than as cleared by security at the door, making sure no drinks or glassware leaves the premise, helping gather glassware on patio, making sure no one jumps the patio fence, watching patrons in your section, cleaning up any spills or broken glassware. Monitor patron behavior.

□ **Interior Bar and DJ Area-** Ensuring that all patrons are having a good time, watching back door to ensure no one exits or enters through it, monitoring patrons in your section, collecting glassware in the vicinity, cleaning up any spills or broken glassware, clearing tables. Monitor patron behavior.

□ **Front Door-** The Front Door position is critical to the proper flow and smooth workings of the entire establishment. There are several key points to making sure the front door is working efficiently and properly. Monitor patron behavior.

□ **Occupancy Count-** It is imperative that the door personnel know the maximum occupancy of the establishment to comply with Fire Marshal regulations. Clickers are used at the entrance and exit points in order to keep track of occupancy and to assure that maximum occupancy is not exceeded. If the Fire Marshal does come by to check local fire regulations, be sure to contact the manager on duty and inform them. The maximum occupancy at Living Room Gainey Ranch is 332 patrons inside, and 0 patrons on the patio for a total occupancy of 332 persons.

□ **Patron Behavior-** If a patron trying to gain entry into an establishment seems overly intoxicated or aggressive, politely refuse him entry. It is illegal to grant entry to a person who is obviously intoxicated or disorderly. By refusing entry at the door you can improve safety for patrons and employees inside.

□ **Patrons-** One of the main duties of security is to maintain a fun and safe atmosphere for our guests, staff, and DJ. You will have to deal with problematic guests. Our policy when dealing with an unruly patron is non-confrontational. Communication is critical; Instead of being aggressive when dealing with unruly guests, be polite and explain the issue and what needs to be done to correct it. This could be as simple as telling the patron they cannot stand on the tables, or explaining to them why they must leave the premises. Be on the look-out for guests who are too intoxicated, bumping into other patrons, or engaging in any activity that disrupts the atmosphere of the establishment. If you escort a patron out, ask if they need a cab or help them to get safe transportation.

□ **Obvious Intoxication-** Arizona Revised Statute 4-244.14 states that "obviously intoxicated" means inebriated to the extent that a person's physical faculties are substantially impaired and

Applicant Initials TE

iv. Safety Conditions and Considerations

The Living Room Gailey Ranch

8977 North Scottsdale Road #500

the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction that would have been obvious to a reasonable person." This state statute makes it unlawful for any person including a liquor licensee to serve, sell or furnish spirituous liquor to a disorderly or obviously intoxicated person, or for a licensee or employee of the licensee to allow or permit a disorderly or obviously intoxicated person to come into or remain on or about the premises. This means that obviously intoxicated patrons must be removed from an establishment with a liquor license when the licensee or employee of the licensee knows or should have known that the patron was obviously intoxicated. However, an establishment may allow an obviously intoxicated patron to remain onsite for up to 30-minutes in order that a non-intoxicated person may transport the obviously intoxicated person from the premises. **Note:** To demonstrate compliance with this provision of the public safety plan, PSP establishments shall document the name(s) and contact information of non-intoxicated persons who transport obviously intoxicated patrons from the establishment. This documentation shall be maintained at the establishment for sixty days and shall be subject to inspection by the police during business hours.

☐ **Fighting-** When a physical altercation happens, it is your job as security to be as professional and effective in escorting the parties off the premises. This also goes for patrons that are overly intoxicated. Security shall not use excessive physical force; doing so will lead to disciplinary action. Please read and sign the Security Personnel Policy and Liability Consent Form located in this document. Make sure if you do escort a patron out for the night that the door personnel are aware of the status of that patron. If a patron is involved in a fight, they are out, no questions. All fights must be reported to the manager on duty and an incident report shall be filled out. When filling out the incident report, be sure to be thorough and detailed in your explanation of the account. Remember, patrons who are disorderly must be removed immediately from the serving area.

☐ **Safe Ride Home-** If a patron is perceived to be obviously intoxicated, they will be offered a taxi, limo, or other means of safe transportation so that they will be dissuaded from driving. If they choose to drive contrary to security staff's advice, SPD will be contacted. Additionally, an incident report documenting the offer must be produced and provided to a manager for each patron offered a safe ride home.

☐ **911-** In case of fire or other emergency, patrons will be evacuated through all emergency exits away from the threat. If you do not have personal knowledge that emergency services have been contacted, you **must call 911** immediately. You must contact police immediately if you have any criminal act involving a weapon, deadly instrument, assault, injury, or riot. If you need emergency medical assistance, fire fighters, or police, **DO NOT HESITATE TO CALL 911**.

☐ **Cooperation With Scottsdale Fire Department-** The Scottsdale Fire Department makes sure that The Living Room Gailey Ranch is adhering to fire codes and occupancy restrictions. If the Fire Marshal contacts you while at work, be sure to notify the manager on duty immediately. The front door count is very important. It is important that the door count is accurate and that the maximum occupancy of 12 is not exceeded. Make sure all exits are clear from obstructions, including the back exit. Make sure there are no spills or broken glass left unattended.

☐ **Cooperation With Law Enforcement-** The Arizona Department of Liquor Licenses and Control (ADLLC) is comprised of sworn officers that enforce local and state liquor laws. It is important that you, as a security member, know the basic laws regarding local liquor law. ADLLC and/or SPD may also ask you questions as an employee to test your knowledge of these laws. Properly checking IDs is a critical duty of the security staff. If an Act of Violence occurs, you must notify the police department or the Arizona Department of Liquor Licenses and Control within 7-days.

Applicant Initials TE

iv. Safety Conditions and Considerations

The Living Room Gainey Ranch

8977 North Scottsdale Road #500

However, if there is an incident involving an injury or death, **you must contact a law enforcement agency immediately.**

☐ **Security of Seized ID's-** Managers or owners are responsible for all identifications seized from patrons by security staff and that the ID's are properly secured prior to the conclusion of security staff's shift. Under no circumstance should any of the seized ID's leave the licensed premises. All ID's held for over one-week will be rendered void by hole-punching them. Contact SPD to arrange for destruction.

PERSONNEL POLICY AND LIABILITY CONSENT RECEIPT FORM

Acknowledgement of Security Personnel Policy and Liability Consent Form

I have read and understand this Security Personnel Policy and Liability Consent Form and will adhere to the policies, protocols, and guidelines of _____.

Print Employee Name

Employee Signature Date

Applicant Initials TE



Scottsdale Fire Department

Scottsdale Public Safety Plan – Crowd Management Plan

Securities Positions and Responsibilities

- Verify the fire extinguishers are visible and accessible prior to opening.
- Verify Exits are marked and illuminated prior to opening.
 - Test emergency lights and exit signs monthly.
- Verify all exits and egress paths to the exits are not blocked or obstructed inside and outside of the building prior to opening and throughout business hours. This includes being obstructed by patrons waiting in line.
- Verify that all security personnel have working radio communication with each other and management.
- Verify that security personnel have counters to count occupants IN and OUT at all entrances and exits. (General admission, VIP and all exits if separate from entrance)
- Verify that security staff knows the maximum occupant load for the building and patio.
- Verify that security staff knows that when the occupant load is reached, they hold the door and compare patrons IN for equal patrons OUT, for the rest of operating business hours.
- The establishment is required to obtain Scottsdale Fire Department approval/permits for special events, fireworks, fire dancers and haze machines. Birthday Sparklers/Open flame devices are **NOT** permitted in bars, night clubs or restaurants.
- The establishment needs to number the security personnel locations on the floor plan and provide details on their responsibilities. Refer to the Scottsdale Fire Department – Scottsdale Public Plan – Security Positions & Responsibilities and the establishment Floor Plan documents.

TE



Scottsdale Fire Department

Scottsdale Public Safety Plan – Crowd Management Plan

Securities Positions and Responsibilities

Fire Department General Check List for Crowd Management Plan

1. Verify the fire extinguishers are visible and accessible prior to opening.
2. Verify Exits are marked and Illuminated prior to opening. Test emergency lights and exit signs monthly.
3. Verify all exits and egress paths to the exits are not blocked or obstructed inside and outside of the building prior to opening and throughout business hours. This includes being obstructed by patrons waiting in line.
4. Verify that all security personnel have working radio communication with each other and management.
5. Verify that security personnel have counters to count occupants IN and OUT at all entrances and exits. (General admission, VIP and all exits if separate from entrance.)
6. Verify that security staff knows the maximum occupant load for the building and patio.
7. Verify that security staff knows when the occupant load is reached they hold the door and do equal patrons IN for equal patrons OUT for the rest of operating business hours.
8. Need Fire Department approval/permits for special events, fireworks, fire dancers and haze machines. Birthday Sparklers/Open flame devices are **NOT** permitted in bars, night clubs or restaurants.
9. Need to number the security personnel locations on the floor plan and provide details on their responsibilities. **See attached sample floor diagram and Security Positions and Responsibilities below as an example.**

Security Positions and Responsibilities Example

#1 & 4: Keeps IN and OUT count of patrons at main entrance and VIP Entrance. They assist in keeping exit/entrance clear. #4 Communicates VIP occupant count to #1 and the manager throughout the night to maintain occupant load.

#2: Cards patrons, assist in keeping exit/entrance clear and starts/maintains line(s) at the entrance to keep exit clear and does not get obstructed by patrons waiting in line.

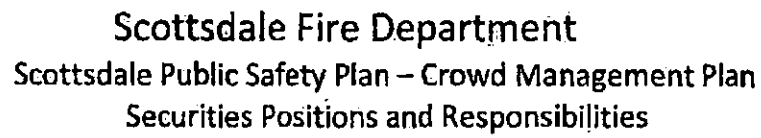
#3: Controls VIP entrance, cards patrons, seats VIP patrons and assist in keeping exit clear.

#5 & 6: Maintains flow of patron traffic, periodically removes trash as needed and keeps in radio communication with all security personnel and management.

#7: Keeps exit clear, prohibits unauthorized entrance. If an exit occurs #7 will communicate to #1.

- Manager is responsible to shut the music off, turn the lights up and instruct/inform patrons in the event of an emergency situation. Depending on location of the emergency all security staff and managers are responsible to call 911 in case of an emergency situation.

TE



1. Introduction
 2. Background
 3. Methodology
 4. Results
 5. Discussion
 6. Conclusion
 7. References
 8. Appendix
 9. Figure 1
 10. Figure 2
 11. Figure 3
 12. Figure 4
 13. Figure 5
 14. Figure 6
 15. Figure 7
 16. Figure 8
 17. Figure 9
 18. Figure 10
 19. Figure 11
 20. Figure 12
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 216. Figure 208
 217. Figure 209

TE



Scottsdale Fire Department
Scottsdale Public Safety Plan – Security Positions & Responsibilities

The Living Room Guiney Ranch LLC
Establishment

[Signature]
Establishment Representative

1/10/19
Date Implemented

Refer to the Security Positions & Responsibilities Floor Plan for this establishment.

Use position numbers only on both the floor plan and this document – no names.

- Which position is responsible for keeping an IN and OUT count?

Position(s): Managers

- How many of the following:

| | |
|----------------------------------|----------|
| o General Admission Entrance(s): | <u>1</u> |
| o VIP Entrance(s): | <u>0</u> |
| o Exit(s): | <u>4</u> |
| o Exit Only: | <u>4</u> |

All entrances/exits are required to maintain an IN and OUT count and positions will communicate numbers to each other throughout business hours to maintain occupant load.

- Which position is responsible to call 911 in case of an emergency situation, medical or fire?

Position(s): Manager

- Which position is responsible to turn the music off, turn the lights up and instruct patrons what to do in case of an emergency situation?

Position(s): Manager

- Which position is responsible to maintain exit and egress paths clear?

Position(s): Manager

TE

Living Room Crowd Management Plan

Where large crowds are expected the Living Room/Gainey Ranch will:

- Hire additional staff as needed and require police officers on site
- Create a detailed floorplan for the day of the event and have specific assigned duties for each employee
- Contact Fire and Police to confirm event is appropriate with city standards for public safety requirements
- A manager will contact local emergency responders if necessary
- The store manager will make key decisions as needed during event
- Inform all staff of all emergency exit strategies and do a thorough walkthrough with all staff before event

Patron Parking

- Patrons are welcome to park in front of the establishment
- Egress/Ingress: Patrons may enter through our main door only on large events. The main exit during emergencies will be out the back patio adjacent to the street

Pedestrian Traffic Control: A pedestrian shall obey the instructions of any official traffic control devices

TE

Live Entertainment Use Permit LR Gainey

To whom it may concern:

The Living Room Gainey Ranch is requesting a Conditional Use Permit to have Live Entertainment inside our building. Our goal is to provide a two or three piece band. We would like to have them play on Saturday nights from the hours of 7 pm to 10 pm. Furthermore will would like to provide an acoustic guitarists for Saturday and Sunday Brunches from 11 am to 2 pm. Finally we will be offering a Disk Jockey on Thursday and Friday nights from 5 pm to 10 pm. The Disk Jockey will not have amplification or a microphone. He will not engage with the crowd. We will not have amplification from their instruments on our house system. We will not play their music on the back patio adjacent to Scottsdale Rd and Doubletree. We will be hosting a open house at the restaurant on Tuesday October 2nd from 4 pm to 6 pm to receive any comments and concerns. Thank You for consideration on this matter.

Regards,
Living Room Management Team
8977 N. Scottsdale Rd. Suite 500
Scottsdale AZ, 85253
4806346709

TE

PUBLIC SAFETY PLAN

viii. Contact Persons Reference: COMPLAINTS

The following persons are designated to receive and handle complaints from the Public or City of Scottsdale:

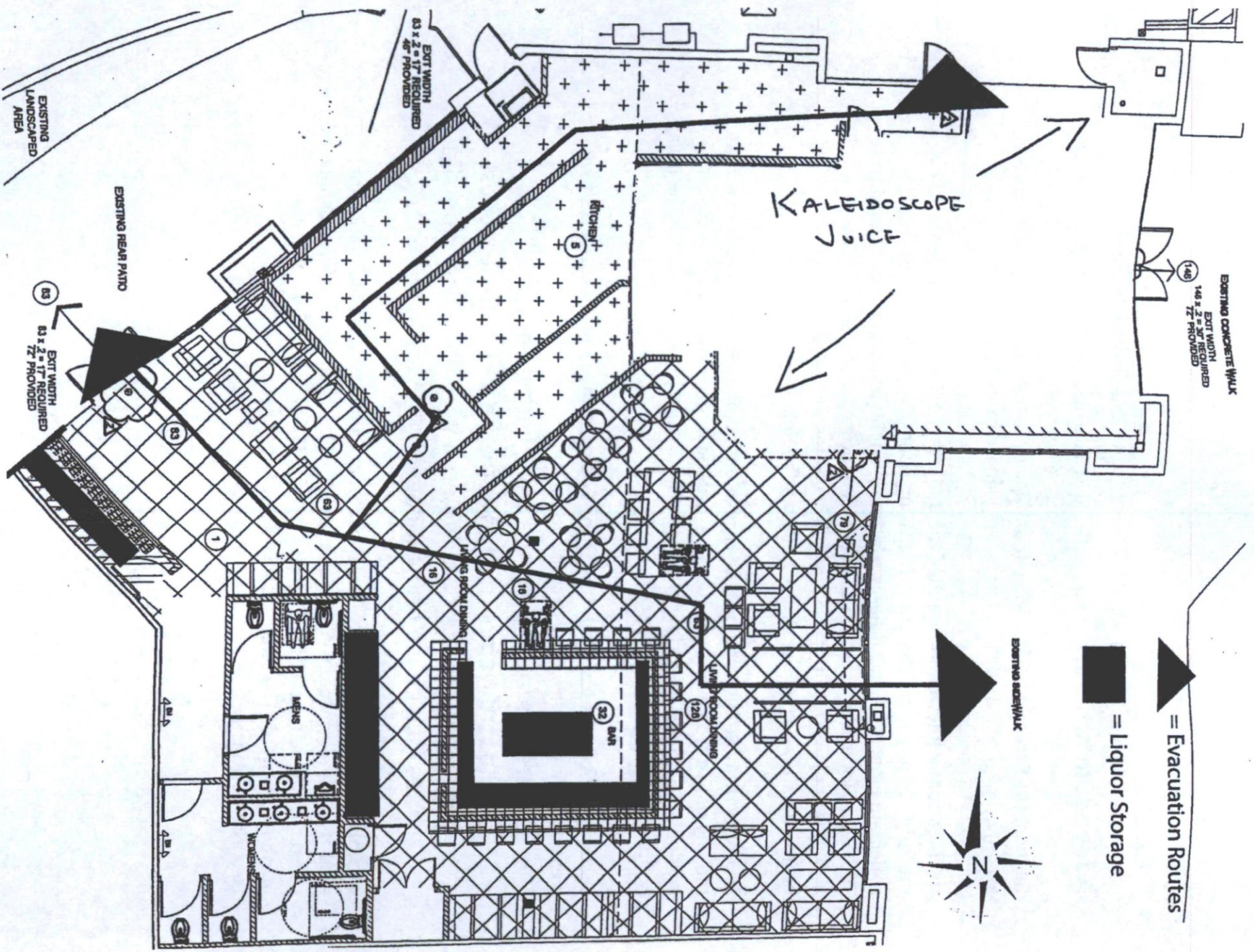
| <u>First and Last Name</u> | <u>Position</u> | <u>Contact #</u> |
|----------------------------|------------------------|------------------|
| Tim Valencia | Director of Operations | 6028035225 |
| Tony Eden | Manager | 4802443573 |
| Josh Glick | Manager | 6026346709 |

All information must be current. (per SRC 28-55)

TE

Initials of Applicant

14



Public Safety Plan

The Living Room Gainey Ranch, 8977 North Scottsdale Road #500, Scottsdale

Addendum X: Security Uniforms and Request for Exception to Uniform Requirements

Request for Exception: The Living Room Gainey Ranch respectfully requests an Exception to the Scottsdale Public Safety Plan Uniform Requirements.

Justification: Although not meeting the uniform requirements as identified by the Public Safety Plan Ordinance, The Living Room Gainey Ranch does not anticipate a necessity for three-inch lettering on the front and back of each shirt. The Living Room Gainey Ranch business plan focuses on restaurant-based activities and, as a result of our focus, believes the below-described uniform will be immediately recognized as a security staff member.

Exception May Be Withdrawn: The Living Room Gainey Ranch understands that the City of Scottsdale may retract this exception if there are numerous violent incidents or if there are incidents wherein participants do not recognize The Living Room Gainey Ranch security staff.

Security Uniform Description: The Living Room Gainey Ranch security staff will wear the following described security uniform:

Collared, Button-Up Dress Shirt, with a Security Chalkboard Name-Tag above the heart on the left chest. Dark jeans or slacks are required with dark black non-slip shoes (see image on next page).

Attribution of Security Staff: The Living Room Gainey Ranch understands that security staff must wear the above-described uniform and attend/successfully complete the mandatory PSP Security Training Course every 2-years to be attributed towards The Living Room Gainey Ranch ratio of 1:100 (security:patrons).

Owner Initials: LM



3" By 1"

The Living Room Gainey Ranch Uniform Guidelines: All Security Personnel must wear a collared buttoned up dress shirt. All personnel must wear a Security Chalkboard Name-tag above the heart on the left chest. Dark jeans or slacks are required with dark black non slip shoes.

PUBLIC SAFETY PLAN

xi. Statement Regarding Number of Security Officers, and Ratio of Occupancy to Security Staff and xii. Statement Regarding Use

The Living Room Gainey Ranch, located at 8977 North Scottsdale Road Suite 500, Scottsdale, AZ, is committed to providing a safe environment for its patrons and staff, and understands that the industry standard ratio for a restaurant with fixed seating is security to occupant ratio of 1:100.

Use: The Living Room Gainey Ranch is a neighborhood bar that also occasionally hosts disc jockeys. The Living Room Gainey Ranch has 90%-fixed seating, and meets the 60% of food to alcohol sales ratio and understands that it must maintain a minimum security to ratio of 1:100 (security:occupants).

Occupancy: The Scottsdale Fire Marshall allows The Living Room Gainey Ranch a maximum total occupancy of 332 patrons.

Security Staffing: The Living Room Gainey Ranch employs 3 security officers and 1 security manager, for a total of 4 security staff during peak hours. The security officers and managers have attended the requisite Public Safety Plan Security Training and will be attired in the approved uniform and, therefore, may be considered when calculating the ratio of security staff to occupants.

Ratio of Occupancy to Security Officers: Based upon our maximum occupancy and property use as restaurant, we are required to maintain a security officer to occupant minimum ratio of 1:100. As the result of our employed security staff and maximum occupancy, we will have a security officer to occupant ratio of 1:100 during peak hours. The 1:100 ratio is better than the minimum required during peak hours.

Required Ratio: 1:100

Actual Ratio: 1:83

Initials of Applicant: TF



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, APRIL 24, 2019

***DRAFT SUMMARIZED MEETING MINUTES ***

PRESENT: Paul Alessio, Chair
Prescott Smith, Vice Chair
Kevin Bollinger, Commissioner-Phone
Christian Serena, Commissioner
Ali Fakh, Commissioner
Larry S. Kush, Commissioner

STAFF: Tim Curtis
Joe Padilla
Meredith Tessier
Chris Zimmer
Lorraine Castro

CALL TO ORDER

Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

MINUTES REVIEW AND APPROVAL

1. Approval of April 10, 2019 Regular Meeting Minutes including Study Session.

Commissioner Serena moved to approve the April 10, 2019 Regular Meeting Minutes, including Study Session, seconded by Vice Chair Smith.

The motion carried unanimously with a vote of six (6) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Fakh, Commissioner Bollinger, and Commissioner Serena, Commissioner Kush.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

CONSENT AGENDA

2. 3-ZN-2017 (Deer Valley Townhomes)

Request by applicant for a zoning map amendment, for a +/-1-acre site (212-02-010E), from the Planned Convenience Center (PCoC) district, to the Medium Density Residential (R-3) district, to allow for the development of a 9-unit, townhome community, located on the northwest corner of E. Deer Valley Road and N. Miller Road, at 21818 N. Miller Road. Staff contact person is Jesus Murillo, 480-312-7849. **Applicant contact person is Masuda Yasmin, 602-265-1891 x208.**

3. 16-UP-2018 (The Living Room Gainey Ranch)

Request by applicant for approval of a Conditional Use Permit for live entertainment in a +/- 9670 sqft. restaurant located at 8977 N. Scottsdale Rd suite 500 with Central Business Planned Community District (C-2 PCD) zoning. Staff contact person is Doris McClay, 480-312-4214. **Applicant contact person is Tony Eden, 480-244-3573.**

Move to make a recommendation to City Council for approval of 3-ZN-2017 and 16-UP-2018 by a vote of 6-0: Motion by Commissioner Kush, per the staff recommended stipulations, finding that the Zoning District Map and amendments are consistent and conform with the adopted General Plan, and after determining that the Conditional Use Permit criteria have been met. 2nd by Commissioner Bollinger.

Request to speak card: James Funk

The motion carried unanimously with a vote of six (6) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Fakh, Commissioner Bollinger, and Commissioner Serena, Commissioner Kush.

REGULAR AGENDA

4. 4-ZN-2018 & 2-II-2018 (The Goldwater)

Request by owner for approve of an Infill Incentive District application and Zoning District Map Amendment from Downtown/Residential Hotel-Type 2, Downtown Overlay (D/RH-2, DO) to Downtown/Downtown Multiple Use - Type 2 Planned Block Development Overlay, Downtown Overlay (D/DMU-2, PBD, DO) zoning including a development plan with amended development standards, for a mixed use development with a building height of 70 feet on a +/-1.19-acre site located at 7000 E. 4th Street. Staff contact person is Meredith Tessier, 480-312-4211. **Applicant contact person is Robert A. Ballard, 480-203-8661.**

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

5. 5-AB-2018 (The Goldwater Abandonment)

Request by owner to abandon ten feet of right of way located on the north half E. 4th St. and a portion of N. 70th Street for the property located at 7000 E. 4th St., currently zoned Downtown/Residential Hotel-Type 2, Downtown Overlay (D/RH-2, DO) zoning located at 7000 E. 4th Street. Staff contact person is Meredith Tessier, 480-312-4211. **Applicant contact person is Robert A. Ballard, 480-203-8661.**

- **Items No 4 & 5: Move Cases 4-ZN-2018, 2-II-2018, & 5-AB-2018 from Consent Agenda to Regular Agenda**
- **Move to make a recommendation to City Council for approval of cases 4-ZN-2018, 2-II-2018 & 5-AB-2018 by a vote of 6-0: Motion by Commissioner Kush, per the staff recommended stipulations, after determining that the Planned Block Development Overlay criteria and Infill Incentive Plan Criteria have been met, and determine that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan and the adopted Old Town Character Area Plan, and based upon the finding that the Abandonment is consistent and conforms with the adopted General Plan. 2nd by Commissioner Bollinger.**

Request to speak card: Steve Ontneros

The motion carried unanimously with a vote of six (6) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Fakh, Commissioner Bollinger, and Commissioner Serena, Commissioner Kush.

6. Public Involvement

Possible recommendation to City Council regarding current public involvement practices for zoning and other development related cases. Staff contact person is Tim Curtis, 480-312-2812.

Move to make a recommendation to City Council to review the public outreach process as it relates to Planning and Zoning by a vote of 5-1: Vice Chair Smith dissenting. Motion by Commissioner Serena, 2nd by Commissioner Fakh

Request to speak cards: Dana Close, Susan Bittersmith, Christie Lee Kinchen, Betty Janik

Written card: Cathy Davis

The motion carried unanimously with a vote of five (5) to one (1); by Chair Alessio, Commissioner Fakh, Commissioner Bollinger, and Commissioner Serena, Commissioner Kush with Vice Chair Smith dissenting.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:45 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"



REQUEST TO SPEAK

3

Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.

Public testimony is limited to three (3) minutes per speaker.

Additional time MAY be granted to speakers representing two or more persons.

Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) James Funk MEETING DATE 4/24/2015
NAME OF GROUP/ORGANIZATION (if applicable) Gaius Ranch CA
ADDRESS 7720 Gaius Ranch Road ZIP 85208
HOME PHONE _____ WORK PHONE 480-981-0321
E-MAIL ADDRESS (optional) JFunk@GaiusRanchCA.com

☒ I WISH TO SPEAK ON AGENDA ITEM # _____ ☐ I WISH TO DONATE MY TIME TO _____
~~IF pulled from Consent agenda~~
☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING _____

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

This card constitutes a public record under Arizona law.

PLANNING COMMISSION REPORT



Meeting Date: April 24, 2019
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

**The Living Room Gainey Ranch
16-UP-2018**

Request to consider the following:

1. A recommendation to City Council regarding a request by owner for approval of a Conditional Use Permit for live entertainment in a +/- 9,670 square feet restaurant located at 8977 N. Scottsdale Road, Suite 500 with Central Business District Planned Community District (C-2 PCD) zoning.

Goal/Purpose of Request

The applicant's request is to operate a restaurant with live entertainment.

Key Items for Consideration

- Conditional Use Permit Criteria for live entertainment
- Correspondence received with concerns on live entertainment

OWNER

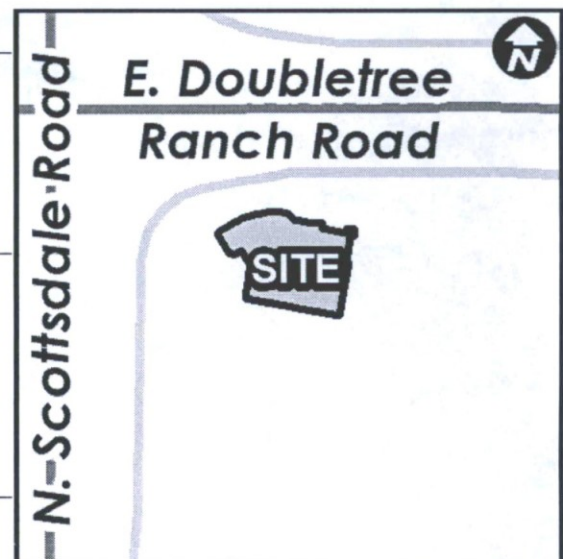
The Living Room
602-697-5981

APPLICANT CONTACT

Tony Eden
The Living Room
480-244-3573

LOCATION

8977 N Scottsdale Rd Ste 500



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Commercial. This category includes areas designated for commercial centers providing goods and services to the surrounding areas.

Zoning

The site is zoned Central Business District, Planned Community District (C-2 PCD). Live Entertainment for a restaurant is permitted subject to a Conditional Use Permit (CUP).

Context

The subject building is part of a mixed-use, multi-building commercial center at the southeast corner of N. Scottsdale Road and E. Doubletree Ranch Road. The pad building is located at the northwest corner of the center and is occupied by this establishment and other restaurants. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: E. Doubletree Ranch Road and Gainey Ranch Pavilions community zoned Multi-Family Residential District, Planned Community District (R-5 PCD)
- South: Gainey Village Retail center zoned Central Business District, Planned Community District (C-2 PCD)
- East: Gainey Village Retail center zoned Central Business District, Planned Community District (C-2 PCD)
- West: N. Scottsdale Road and Paradise Valley residential zoned homes and undeveloped properties.

Other Related Policies, References:

Scottsdale General Plan 2001, as amended

Zoning Ordinance

73-ZN-1986#2: rezoned the site from Multi-Family Residential District, Planned Community District (R-5 PCD) to Central Business District, Planned Community District (C-2 PCD)

94-DR-1998#3

APPLICANTS PROPOSAL

Development Information

The development proposal includes live entertainment in an existing restaurant which will be ancillary to the primary restaurant use.

- Existing Use: Restaurant
- Proposed Use: Restaurant with Live Entertainment
- Gross Floor Area: 6,540 square feet
- Patio Areas 1,986 square feet

- Parking Required: 27 spaces (501 spaces for entire commercial center)
- Parking Provided: 711 spaces (for entire commercial center)

IMPACT ANALYSIS

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **The proposed live entertainment is stipulated to be contained within a completely enclosed building and limited to Sunday from 11:00 am to 2:00 pm and Saturday from 11:00 am to 10:00 pm. Residential homes are located approximately 250 feet north of this restaurant. No damage or nuisance from noise, smoke, odor, dust, vibration or illumination is anticipated.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **This establishment will operate as a full-service restaurant. No changes to the existing floor plan or operational characteristics are proposed as part of this application. Vehicular access to the site is provided by one primary access point off N. Scottsdale Road, which is classified as a Major Arterial in the Transportation Master Plan, and a secondary access point is provided off E. Doubletree Ranch Road at the northeast corner of the commercial center. The commercial center is occupied by retail, service, and restaurant uses that generate vehicular traffic throughout the day, including evening hours. No significant impacts to existing traffic patterns are anticipated.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **This establishment is located in a mixed-use, multi-tenant commercial center occupied by a wide range of uses, including restaurants, retail and personal service. The addition of live entertainment to an existing restaurant is compatible with the use mix in the surrounding area.**
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for live entertainment as identified in Zoning Ordinance Section 1.403.K., including:
 1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.

- **A Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department and is on file with the Current Planning Department.**
2. The applicant has provided written evidence that all sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.
 - **The live entertainment is stipulated that all doors and windows will be closed and external speakers provided on the patio will be turned off during the hours live entertainment is provided.**
 3. The applicant has provided a lighting plan that addresses exterior lighting on the property in accordance with Article VII of the Zoning Ordinance and the Security and Maintenance Plan requirements.
 - **The establishment is part of an existing multi-tenant commercial center that includes pole-mounted parking lot lighting, pedestrian-scale bollards, and wall-mounted sconces. Existing site lighting is sufficient to guide patrons to the main entrance of the establishment. No new lighting is proposed.**
 4. The applicant has provided a floor plan which identifies the area(s) for the primary use and for accessory functions, including but not limited to areas for performances.
 - **The applicant has provided a floor plan that clearly identifies the area of the establishment where the live entertainment is to be located.**
 5. If the establishment is not in the Downtown Area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as Minor Collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards.
 - **The establishment is located outside the Downtown boundary and access to the establishment is provided off N. Scottsdale Road, which is designated as a Major Arterial by the Transportation Master Plan. No traffic analysis is required.**
 6. If the Zoning Administrator determines that a parking study is necessary, the applicant shall provide a study which complies with the City's requirements.
 - **The establishment is part of an existing multi-tenant commercial center with a large field of on-site parking, sufficient to meet the requirements of the Zoning Ordinance. No parking analysis is required.**

7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use on the area.
 - **Information provided with the CUP application is sufficient for staff to determine potential impacts on the surrounding area.**
8. All building openings, such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by the Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.
 - **The live entertainment use is stipulated that all doors and windows will be closed during the hours live entertainment is provided.**
9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use which is located within five hundred (500) feet of a residential district shown in Table 4.100A.
 - **The nearest residence is located approximately 250 feet north of the establishment. The live entertainment is stipulated that the external speakers on the patio will be turned off during the hours live entertainment is provided. No outdoor live entertainment is proposed.**
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
 - **The stipulations for this live entertainment include substantial conformance to the floor plan provided by the applicant as part of this application.**
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
 - **The establishment is part of an existing multi-tenant commercial center that includes pole-mounted parking lot lighting, pedestrian-scale bollards, and wall-mounted sconces. Existing site lighting is sufficient to guide patrons to the main entrance of the establishment, and no changes to the lighting plan approved by the Development Review Board are proposed as part of this application.**
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.
 - **The applicant understands the proposed live entertainment use is subject to the provisions of the City's Noise Ordinance.**

Public Safety

The nearest fire station is located at 7455 E. Shea Blvd., approximately one mile from the site. No significant impacts to existing service levels are anticipated. The Security, Maintenance and Operations Plan has been reviewed and approved by the Scottsdale Police Department.

Liquor License Review

The establishment is currently operating under an existing Series 12 (restaurant) liquor license, approved under case 65-LL-2016.

Community Involvement

The site is posted with the required signage and property owners within 750 feet of the site have been notified of the applicant's request. Staff has received written public comments with concerns on the proposed live entertainment request (Attachment #7).

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met and make a recommendation to City Council for approval a Conditional Use permit for live entertainment, per the attached stipulations.

RESPONSIBLE DEPARTMENT(S)

Planning and Development Services

Current Planning Services

STAFF CONTACT(S)

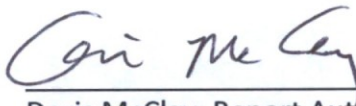
Doris McClay

Senior Planner

480-312-4214

E-mail: dmcclay@ScottsdaleAZ.gov


APPROVED BY


Doris McClay, Report Author

4/3/19
Date


Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

4/10/2019
Date


Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

4/14/19
Date

ATTACHMENTS

1. Context Aerial
- 1A. Aerial Close-Up
2. Stipulations
 - Exhibit A to Attachment 1: Site Plan
 - Exhibit B to Attachment 1: Floor Plan
3. Applicant's Narrative
4. Zoning Map
5. Citizen Involvement
6. City Notification Map
7. Correspondence
8. Security, Maintenance and Operations Plan



The Living Room Gainey Ranch

16-UP-2018



Q.S.
26-45

Google Earth Pro Imagery



The Living Room Gainey Ranch

16-UP-2018

ATTACHMENT 1A

Conditional Use Permit – Live Entertainment

Stipulations:

The Living Room Gainey Ranch for

Case Number: 16-UP-2018

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted with the city staff date of 10/3/18, attached as Exhibit B to Attachment 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by FM Group Inc. and with the city staff date of 10/3/18, attached as Exhibit A to Attachment 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **NO BAR USE.** This Conditional Use Permit is for live entertainment only, and a bar use is not approved as part of this request.
4. **HOURS OF LIVE ENTERTAINMENT.** The hours of the live entertainment for this establishment shall be limited to:

| | Allowed Start of the Live Entertainment | To | Required End of the Live Entertainment |
|----------|--|----|---|
| Sunday | 11:00 am | To | 2:00 pm |
| Saturday | 11:00 am | To | 10:00 pm |

5. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The live entertainment shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning and Development Services Department. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Department. At least ten (10) days before any operational change of the live entertainment, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Department. Any revised Security, Maintenance, and Operations

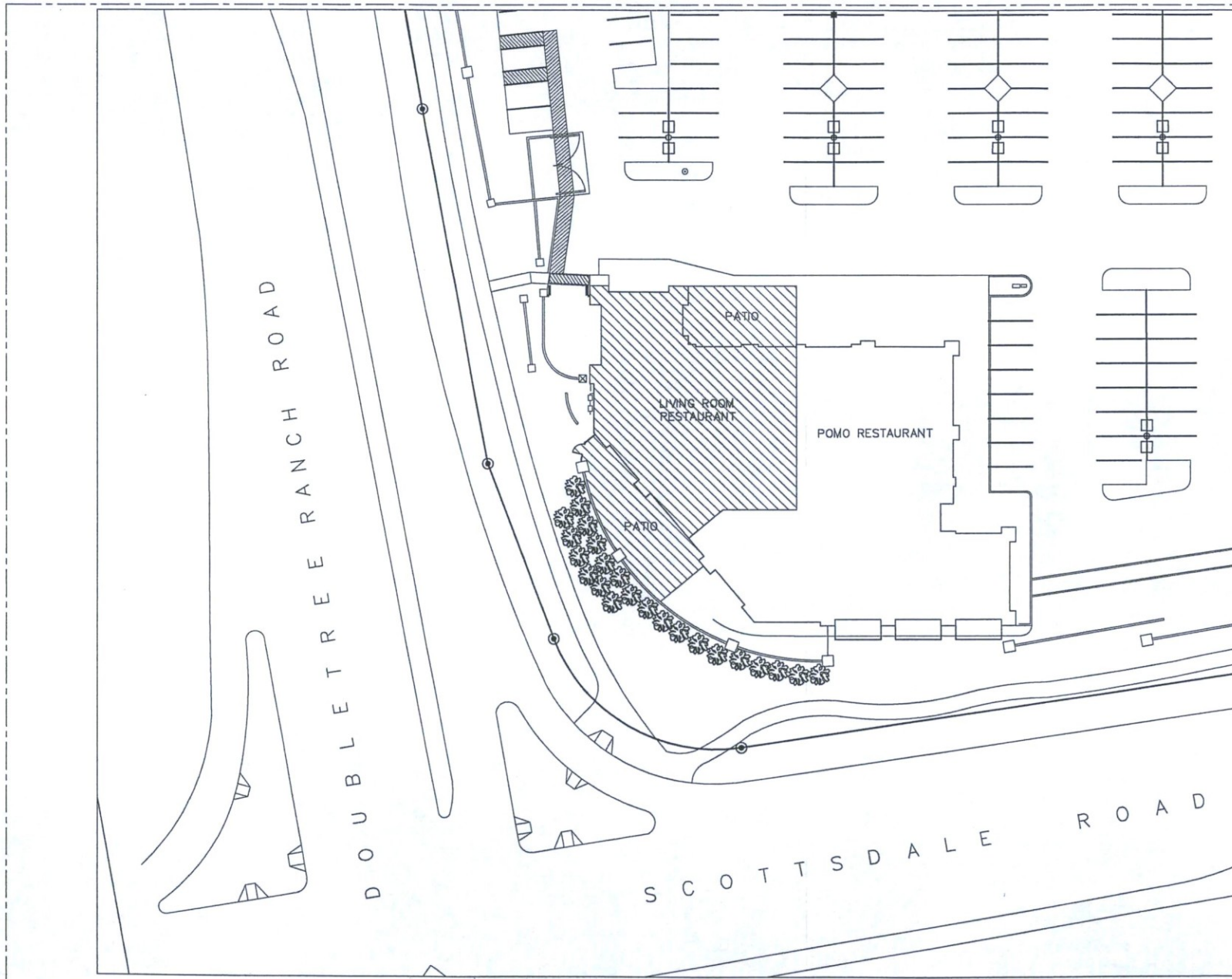
ATTACHMENT 2

Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning and Development Services Department.

6. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee. Amplified music shall be limited to the times that State law allows liquor sales at this establishment.
7. EXTERNAL LIVE ENTERTAINMENT. No external live entertainment is permitted.
8. EXTERNAL SPEAKERS. External speakers shall only transmit pre-recorded music and shall not be connected to any live entertainment equipment. External speakers, including speakers for televisions, shall be turned off during the hours live entertainment is provided.
9. EXTERNAL DOORS. All external doors shall be closed, except for passage, but not locked during Live Entertainment.
10. EXTERNAL WINDOWS. All external windows shall be closed during live entertainment.

ADMINISTRATIVE PROCESS

11. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner, shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
12. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.



ARCHITECT:



CONSULTANT:

CLIENT:

KATALYST
RESTAURANT CONCEPTS

THIS DRAWING AND ITS CONTENTS ARE THE SOLE PROPERTY OF FM GROUP INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF FM GROUP INC. THE ARCHITECT. THIS DRAWING IS TO BE RETURNED UPON REQUEST.

PROJECT: **LIVING ROOM**
WITH MODERN RESTAURANT
SHOPS AT GAINES VILLAGE
8877 SCOTTSDALE RD
SCOTTSDALE, AZ

| NO. | DESCRIPTION | DATE |
|-----|-------------------|---------|
| 1 | ISSUED FOR PERMIT | 10/3/18 |
| 2 | REVISION | |
| 3 | REVISION | |
| 4 | REVISION | |
| 5 | REVISION | |

SITE PLAN

| | | |
|--|-------------|---------|
| | PROJECT NO. | 16-205 |
| | DATE | 10/3/18 |
| | DRAWN BY | SMV |
| | CHECKED BY | MTF |
| | DATE | |

A0

Plot by Amanda Johnson | Drawn on 1 August 12, 2016 8:19 PM

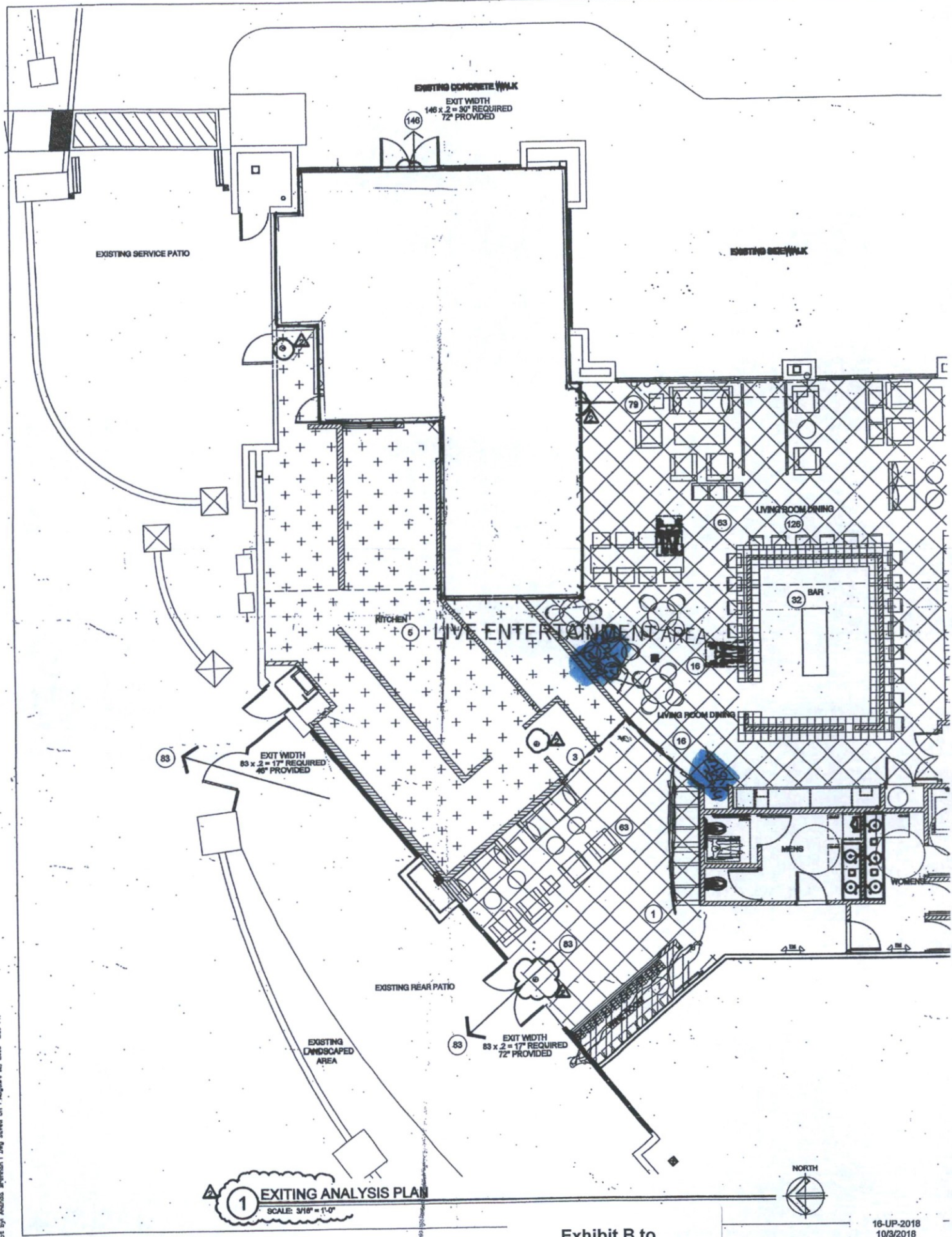
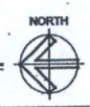


Exhibit B to
Attachment 2



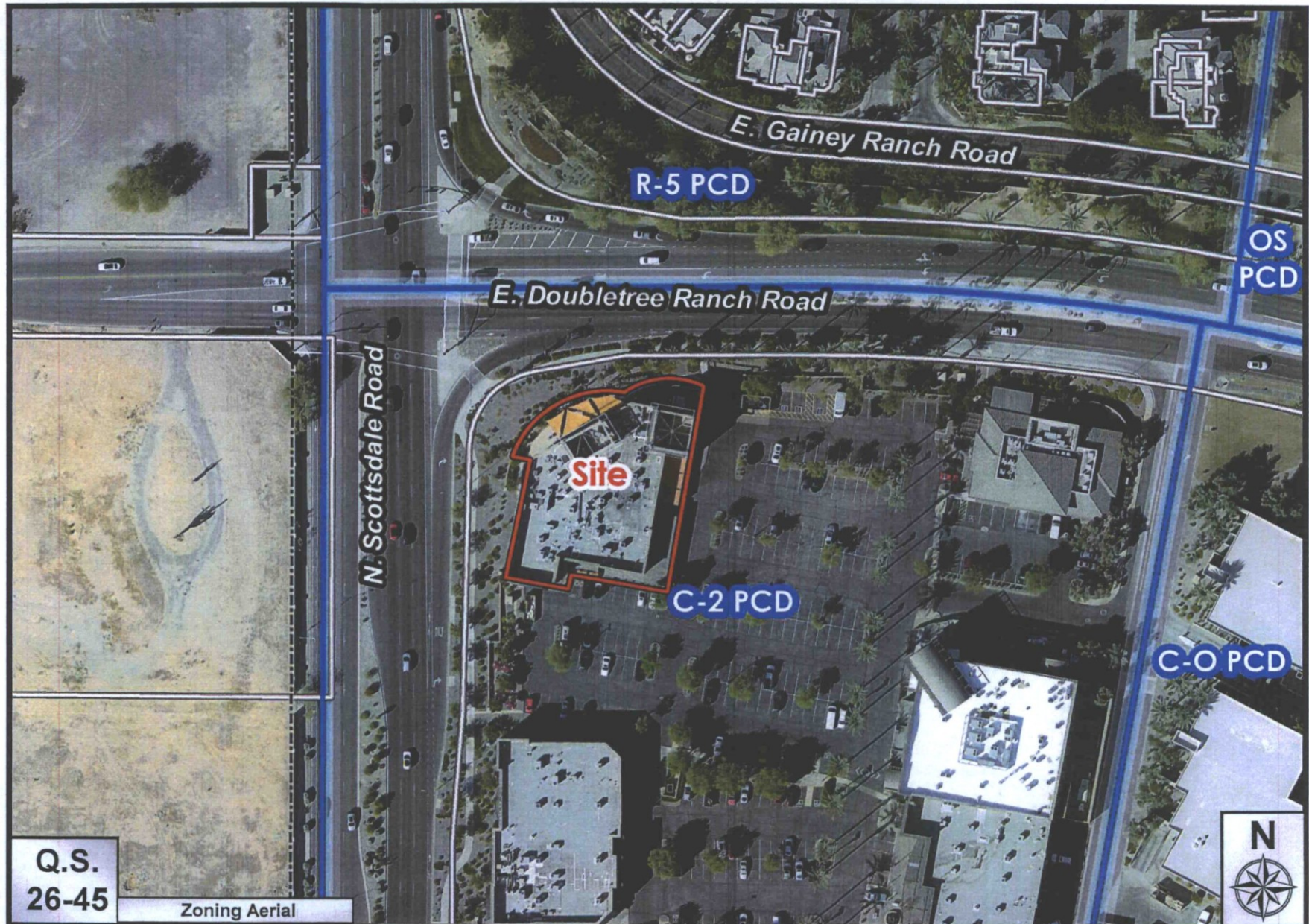
16-UP-2018
10/3/2018

Live Entertainment Use Permit LR Gainey

To whom it may concern:

The Living Room Gainey Ranch is requesting a Conditional Use Permit to have Live Entertainment inside our building. Our goal is to provide a two or three piece band. We would like to have them play on Saturday nights from the hours of 7 pm to 10 pm. Furthermore will would like to provide an acoustic guitarists for Saturday and Sunday Brunches from 11 am to 2 pm. We will not have amplification from their instruments on our house system. We will not play their music on the back patio adjacent to Scottsdale Rd and Doubletree. We will be hosting a open house at the restaurant on Tuesday October 2nd from 4 pm to 6 pm to receive any comments and concerns. Thank You for consideration on this matter.

Regards,
Living Room Management Team
8977 N. Scottsdale Rd. Suite 500
Scottsdale AZ, 85253
4806346709



Q.S.
26-45

Zoning Aerial

The Living Room Gainey Ranch

16-UP-2018

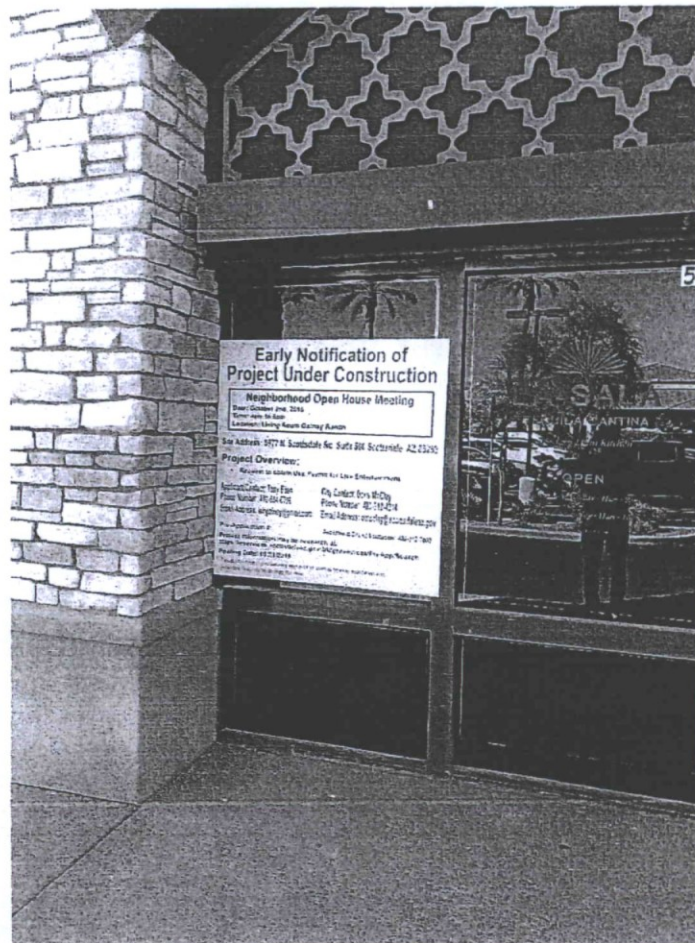
ATTACHMENT 4

Live Entertainment Use Permit LR Gainey

To whom it may concern:

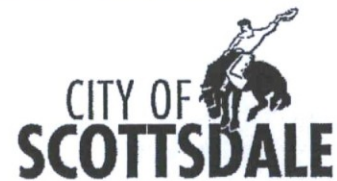
The Living Room Gainey Ranch is requesting a Conditional Use Permit to have Live Entertainment inside our building. Our goal is to provide a two or three piece band. We would like to have them play on Saturday nights from the hours of 7 pm to 10 pm. Furthermore will would like to provide an acoustic guitarists for Saturday and Sunday Brunches from 11 am to 2 pm. We will not have amplification from their instruments on our house system. We will not play their music on the back patio adjacent to Scottsdale Rd and Doubletree. We will be hosting a open house at the restaurant on Tuesday October 2nd from 4 pm to 6 pm to receive any comments and concerns. Thank You for consideration on this matter.

Regards,
Living Room Management Team
8977 N. Scottsdale Rd. Suite 500
Scottsdale AZ, 85253
4806346709



16-UP-2018
10/3/2018

Community Input Certification



CASE NO: _____

PROJECT LOCATION: The Living Room Gainey Ranch

COMMUNITY INPUT CERTIFICATION

In the City of Scottsdale it is important that all applicants for rezoning, use permit, and/or variances inform neighboring residents, affected school districts, and other parties that may be impacted by the proposed use, as well as invite their input. The applicant shall submit this completed certification with the application as verification that such contact has been made.

| DATE | NAME (Person, Organization, Etc. and Address) | Type of Contact | | |
|----------|---|-----------------|-------|--------|
| | | Meeting | Phone | Letter |
| 10/02/18 | ALLAN SEAMAN | / | | |
| | | | | |
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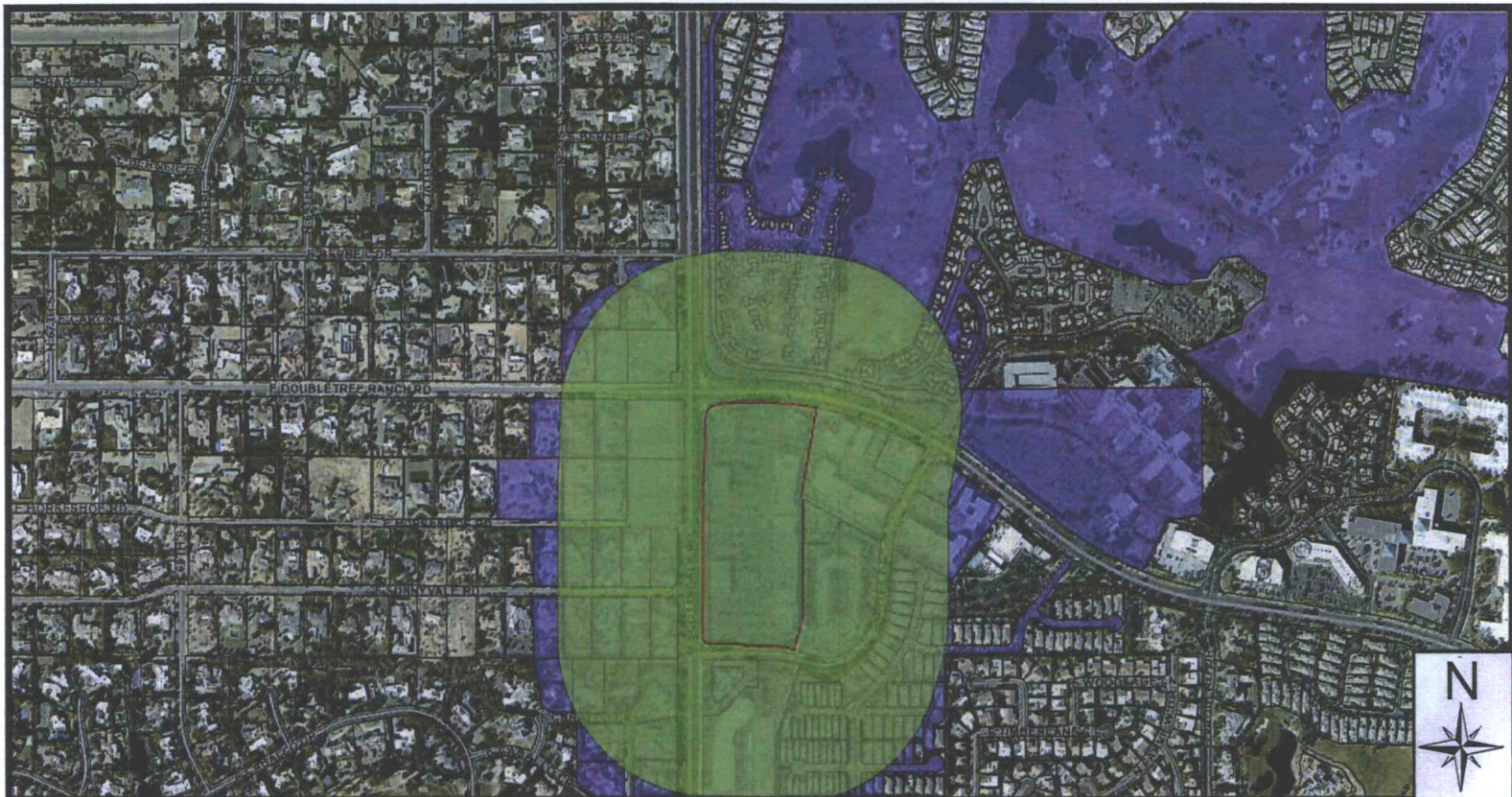

Signature of owner/applicant

10-2-2018
Date

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

City Notifications – Mailing List Selection Map



Additional Notifications:

Interested Parties List
 Adjacent HOA's
 P&Z E-Newsletter
 Facebook
 Twitter
 Nextdoor.com
 City Website-Projects in the hearing process

Pulled Labels
 October 4, 2018

Map Legend:



Site Boundary



Properties within 750-feet

Postcards:

311

16-UP-2018



October 15, 2018

Doris McClay
Planning & Development Services
7447 E. Indian School Rd. Ste 105
Scottsdale AZ 85251-3915

Re: Cup application 16-UP-2018
The Living Room Gainey Ranch
8977 N. Scottsdale Rd. Ste. 500
Scottsdale AZ

Dear Ms. McClay;

I am writing in reference to the notice provided by The Living Room Gainey Ranch case number 16-UP-2018 requesting a **Conditional Use Permit** to allow live entertainment inside the building. As you know, the Living Room restaurant is located directly across from the Gainey Ranch community and specifically the Pavilions Condominiums at Gainey Ranch.

Please understand that Gainey Ranch is pleased to have the restaurant near our community, but at the same time are concerned that the noise impacts should doors or windows be open during the live music events. The Living Room patio is directly across from the Pavilions and could become a problem for our community members.

Gainey Ranch Community Association supports the current application for a CUP permit based upon the inclusion of the stipulations to protect the Gainey Ranch community, specifically;

- Live entertainment shall only occur inside the building consistent with the floor plan. No live amplified entertainment shall be provided on the patio.
- All external doors and windows shall be closed, but not locked during the hours live entertainment is provided.
- No live music after 10:00 pm any day of the week.
- No special event permits for The Living Room restaurant be issued without Gainey Ranch Community Association communication and comment.

If these conditions are agreed to as a part of the Conditional Use Permit, Gainey Ranch will acknowledge the same to the Planning Commission for the CUP hearing.

With the upcoming CUP application process it is extremely important that the Gainey Ranch community be heard and that stipulations with the CUP reflect our concerns.

Respectfully;

A handwritten signature in black ink, appearing to read "James A. Funk".

James A. Funk
Executive Director Gainey Ranch

ATTACHMENT 7

McClay, Doris

From: Acevedo, Alex
Sent: Wednesday, October 10, 2018 8:42 AM
To: McClay, Doris
Subject: RE: The Living Room 16-up-2018 To: Doris McClay

Follow Up Flag: Follow up
Flag Status: Flagged

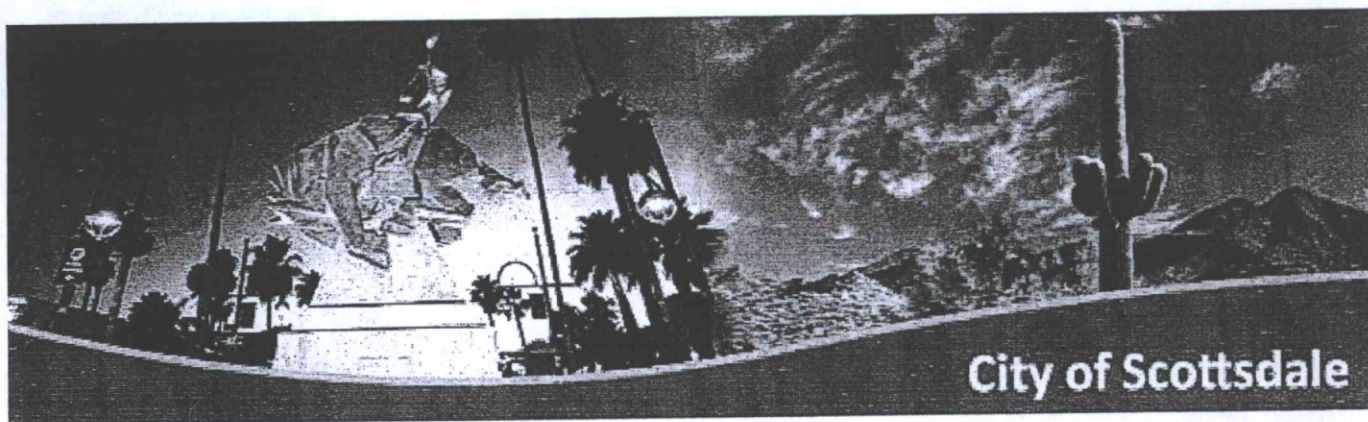
I save a copy for the CDS folder.

Thank you,

Alex Acevedo

Planning Specialist
City of Scottsdale
Planning & Development Services
Phone: 480-312-2542
7447 E Indian School Rd. #105
Scottsdale, AZ 85251

From: alanlezak@hotmail.com <alanlezak@hotmail.com>
Sent: Tuesday, October 09, 2018 8:59 PM
To: Acevedo, Alex <AAcevedo@scottsdaleaz.gov>
Subject: The Living Room 16-up-2018 To: Doris McClay



The requested permission for CUP doesn't go far enough. Gainey Ranch and the Downside Risk spent hours and dollars negotiating an acceptable CUP. I, as a resident of the Pavilions at Gainey Ranch want the CUP to be similar to what was negotiated for the Downside Risk. In order to protect the residents of Gainey Ranch there can't be any live music on either patio. In addition music played inside must only be played with the windows closed. Across the street from the Living Room are residences. -- sent by Alan Lezak (case# 16-UP-2018)

400243
402082
SPD File#
Returned for Corrections: 022719
Expiration Date: 030421
CoS TPT



Date Submitted: 012419
Date of Approval: 030519
Liquor License #: 1207A691
CoS Spirituous Liquor

City of Scottsdale Public Safety Plan Application

1. Objective:

The purpose of this ordinance is to promote the general health, safety and welfare of citizens, visitors, businesses and the community in general by requiring businesses that engage in certain activities within the city to file, follow and keep current a public safety plan.

2. Identification:

- A. Scottsdale Address: 8977 N. Scottsdale Rd. Suite 500
B. SFD Building Occupancy Limit: 332
C. Occupancy Type (circle one): A-2 (bar, tavern, night club, restaurant) A-3 (dance hall), or A-4 (skating rink, WestWorld)
D. Staffing Ratios:
a. 1:50+1:75 (500+Patrons) 1:75 (60% Food Sales) 1:100 (90% Fixed Seating)
b. You must include supporting documentation for ratios of 1:75 and 1:100.
E. Company Entity (Corporation, LLC, Partnership, etc): Living Room Gainxy Ranch LLC
F. DBA (doing business as): The Living Room Gainxy Ranch
G. Company Members: (please use addendum, if necessary): SEE ADDENDUM jgm

H. Contact Information:

- a. Mobile Phone: 602 803 5225
b. Business Phone: 480 634 6709
c. Email: LSLRgainxy@gmail.com
d. In Case of Emergency: Tim Valencia

3. APPLICABILITY: This application for a Public Safety Plan is submitted because my business engages in the following activity(ies) (MARK ONE OR MORE ACTIVITIES IN WHICH YOU ENGAGE):

- ☐ Age Verification is Requested for Admittance.
- ☒ Provide a Disc Jockey
- ☐ Provide an Adult Service as Defined in Section SRC 16-237
- ☐ Teen Dances, Consistent with Section SRC 16-391, are conducted.
- ☐ A Promoter is Utilized.

4. PLAN OF OPERATION:

- a. The plan of operation includes a crowd management plan, hours of operation, and identification of peak hours (presumption: 9PM-2AM, Thursday-Saturday):

Hours of Operation:

Monday: 11am to 10pm
Tuesday: 11am to 10pm
Wednesday: 11am to 10pm
Thursday: 11am to 10pm
Friday: ~~5pm to 10pm~~ 11am to 10pm
Saturday: ~~6pm to 10pm~~ 10am to 11pm
Sunday: 10am to 10pm

Initials of Applicant

JE

I HAVE RECEIVED AN APPROVED
COPY OF MY PUBLIC SAFETY
PLAN.

PD2013-989BPSA_v1 (10-2013)

ATTACHMENT 8

Peak Hours:

Monday: _____
Tuesday: _____
Wednesday: _____
Thursday: _____
Friday: 5 to 8pm
Saturday: 6 to 9pm
Sunday: _____

5. NARRATIVE:

a. YOU MUST ATTACH A NARRATIVE OF YOUR PLAN OF OPERATION TO THIS APPLICATION WHICH INCLUDES THE FOLLOWING ELEMENTS:

- i. Diagram of Building Including Interior Build-Outs; 8.5"x11" (see example)
- ii. Diagram of Parcel or Lot; 8.5"x11" (see example)
- iii. Scottsdale Fire Department Approved Occupancy Limit
- iv. Safety Conditions and Considerations
- v. Crowd Management Plan
- vi. Patron Parking, Ingress, Egress, Vehicular and Pedestrian Traffic Control
- vii. Log of All Employees Including: Full Legal Name, Date of Birth, Current Address, Job Title, and Contact Phone Number (see SRC 23-57 for special requirements and ratio of security officers to patrons) (Similar to the Title 4 Requirements)
- viii. Contact Person and Information Designating Who Is Authorized to Receive and Handle Complaints from the Public or City of Scottsdale on Behalf of the Business
- ix. Evacuation Routes
- x. Evidence of Security Uniform With the Word "Security" on Both Front and Back and in Letters At Least 3-Inches in Height (see SRC 23-57.F)
- xi. Statement Regarding the Number of Security Staff Available During Peak Times and the Ratio of Security Staff to Patrons
- xii. Statement Regarding Use, if Applicable (i.e. 60% food sales, 90% fixed seating)

6. All final documents, including the narrative required by Section 5, submitted in support of this public safety plan application are incorporated into the approved public safety plan as conditions and requirements by this reference.
7. The provisions of Scottsdale Revised Code Sections 23-50 through 23-76 are incorporated into this public safety plan as conditions and requirements by this reference. Failure to comply with these code sections shall be considered a violation of this public safety plan.

As part of this application, I have read and understand the City of Scottsdale Public Safety Plan Ordinance. On behalf of Tom Kautman, I agree that Living Room, and its employees will comply with the Public Safety Plan Ordinance and its City approved public safety plan. I also certify that all the information submitted as part of this application is true and correct to the best of my knowledge.



Signature of Applicant

1/10/19

Date Signed

 3-5-19
Please email the completed application to: PSP@ScottsdaleAZ.gov

Initials of Applicant JK

Diagram of Parking Lot and The Living Room Gainey Ranch, 8977 N Scottsdale Road #500



TE

iv. Safety Conditions and Considerations

The Living Room Gainey Ranch

8977 North Scottsdale Road #500

Welcome to our Team! The Living Room Gainey Ranch prides itself on our amazing staff, outstanding customer service, and providing a safe environment for our patrons and employees.

Overview of Security Responsibilities

- Check the legal age of patrons.
- Provide a safe environment by enforcing restaurant rules and state laws.
- Perform fundamental safety tasks.
- Provide security for both staff and patrons.
- Monitor individuals based on behavior.
- Reduce liability by anticipating problematic patron behavior.

☐ **Interior Bar and Patio-** Ensuring that all patrons are having a good time, supporting the door, making sure no one enters through patio other than as cleared by security at the door, making sure no drinks or glassware leaves the premise, helping gather glassware on patio, making sure no one jumps the patio fence, watching patrons in your section, cleaning up any spills or broken glassware. Monitor patron behavior.

☐ **Interior Bar and DJ Area-** Ensuring that all patrons are having a good time, watching back door to ensure no one exits or enters through it, monitoring patrons in your section, collecting glassware in the vicinity, cleaning up any spills or broken glassware, clearing tables. Monitor patron behavior.

☐ **Front Door-** The Front Door position is critical to the proper flow and smooth workings of the entire establishment. There are several key points to making sure the front door is working efficiently and properly. Monitor patron behavior.

☐ **Occupancy Count-** It is imperative that the door personnel know the maximum occupancy of the establishment to comply with Fire Marshal regulations. Clickers are used at the entrance and exit points in order to keep track of occupancy and to assure that maximum occupancy is not exceeded. If the Fire Marshal does come by to check local fire regulations, be sure to contact the manager on duty and inform them. The maximum occupancy at Living Room Gainey Ranch is 332 patrons inside, and 0 patrons on the patio for a total occupancy of 332 persons.

☐ **Patron Behavior-** If a patron trying to gain entry into an establishment seems overly intoxicated or aggressive, politely refuse him entry. It is illegal to grant entry to a person who is obviously intoxicated or disorderly. By refusing entry at the door you can improve safety for patrons and employees inside.

☐ **Patrons-** One of the main duties of security is to maintain a fun and safe atmosphere for our guests, staff, and DJ. You will have to deal with problematic guests. Our policy when dealing with an unruly patron is non-confrontational. Communication is critical; Instead of being aggressive when dealing with unruly guests, be polite and explain the issue and what needs to be done to correct it. This could be as simple as telling the patron they cannot stand on the tables, or explaining to them why they must leave the premises. Be on the look-out for guests who are too intoxicated, bumping into other patrons, or engaging in any activity that disrupts the atmosphere of the establishment. If you escort a patron out, ask if they need a cab or help them to get safe transportation.

☐ **Obvious Intoxication-** Arizona Revised Statute 4-244.14 states that "obviously intoxicated" means inebriated to the extent that a person's physical faculties are substantially impaired and

Applicant Initials TE

iv. Safety Conditions and Considerations

The Living Room Gaaney Ranch

8977 North Scottsdale Road #500

However, if there is an incident involving an injury or death, **you must contact a law enforcement agency immediately.**

☐ **Security of Seized ID's-** Managers or owners are responsible for all identifications seized from patrons by security staff and that the ID's are properly secured prior to the conclusion of security staff's shift. Under no circumstance should any of the seized ID's leave the licensed premises. All ID's held for over one-week will be rendered void by hole-punching them. Contact SPD to arrange for destruction.

PERSONNEL POLICY AND LIABILITY CONSENT RECEIPT FORM

Acknowledgement of Security Personnel Policy and Liability Consent Form

I have read and understand this Security Personnel Policy and Liability Consent Form and will adhere to the policies, protocols, and guidelines of _____.

Print Employee Name

Employee Signature Date

Applicant Initials TE



Scottsdale Fire Department

Scottsdale Public Safety Plan – Crowd Management Plan

Security Positions and Responsibilities

Fire Department General Check List for Crowd Management Plan

1. Verify the fire extinguishers are visible and accessible prior to opening.
2. Verify Exits are marked and illuminated prior to opening. Test emergency lights and exit signs monthly.
3. Verify all exits and egress paths to the exits are not blocked or obstructed inside and outside of the building prior to opening and throughout business hours. This includes being obstructed by patrons waiting in line.
4. Verify that all security personnel have working radio communication with each other and management.
5. Verify that security personnel have counters to count occupants IN and OUT at all entrances and exits. (General admission, VIP and all exits if separate from entrance.)
6. Verify that security staff knows the maximum occupant load for the building and patio.
7. Verify that security staff knows when the occupant load is reached they hold the door and do equal patrons IN for equal patrons OUT for the rest of operating business hours.
8. Need Fire Department approval/permits for special events, fireworks, fire dancers and haze machines. Birthday Sparklers/Open flame devices are **NOT** permitted in bars, night clubs or restaurants.
9. Need to number the security personnel locations on the floor plan and provide details on their responsibilities. **See attached sample floor diagram and Security Positions and Responsibilities below as an example.**

Security Positions and Responsibilities Example

- #1 & 4: Keeps IN and OUT count of patrons at main entrance and VIP Entrance. They assist in keeping exit/entrance clear. #4 Communicates VIP occupant count to #1 and the manager throughout the night to maintain occupant load.
- #2: Cards patrons, assist in keeping exit/entrance clear and starts/maintains line(s) at the entrance to keep exit clear and does not get obstructed by patrons waiting in line.
- #3: Controls VIP entrance, cards patrons, seats VIP patrons and assist in keeping exit clear.
- #5 & 6: Maintains flow of patron traffic, periodically removes trash as needed and keeps in radio communication with all security personal and management.
- #7: Keeps exit clear, prohibits unauthorized entrance. If an exit occurs #7 will communicate to #1.
- Manager is responsible to shut the music off, turn the lights up and instruct/inform patrons in the event of an emergency situation. Depending on location of the emergency all security staff and managers are responsible to call 911 in case of an emergency situation.

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Living Room Crowd Management Plan

Where large crowds are expected the Living Room Gainey Ranch will:

- Hire additional staff as needed and require police officers on site
- Create a detailed floorplan for the day of the event and have specific assigned duties for each employee
- Contact Fire and Police to confirm event is appropriate with city standards for public safety requirements
- A manager will contact local emergency responders if necessary
- The store manager will make key decisions as needed during event
- Inform all staff of all emergency exit strategies and do a thorough walkthrough with all staff before event

Patron Parking

- Patrons are welcome to park in front of the establishment
- Egress/Ingress: Patrons may enter through our main door only on large events. The main exit during emergencies will be out the back patio adjacent to the street

Pedestrian Traffic Control: A pedestrian shall obey the instructions of any official traffic control devices

TH

Live Entertainment Use Permit LR Gainey

To whom it may concern:

The Living Room Gainey Ranch is requesting a Conditional Use Permit to have Live Entertainment inside our building. Our goal is to provide a two or three piece band. We would like to have them play on Saturday nights from the hours of 7 pm to 10 pm. Furthermore will would like to provide an acoustic guitarists for Saturday and Sunday Brunches from 11 am to 2 pm. Finally we will be offering a Disk Jockey on Thursday and Friday nights from 5 pm to 10 pm. The Disk Jockey will not have amplification or a microphone. He will not engage with the crowd. We will not have amplification from their instruments on our house system. We will not play their music on the back patio adjacent to Scottsdale Rd and Doubletree. We will be hosting a open house at the restaurant on Tuesday October 2nd from 4 pm to 6 pm to receive any comments and concerns. Thank You for consideration on this matter.

Regards,
Living Room Management Team
8977 N. Scottsdale Rd. Suite 500
Scottsdale AZ, 85253
4806346709

TE

1/2

EXISTING
LANDSCAPED
AREA

EXISTING REAR PATIO

EXIT WIDTH
83 x 2 = 17' REQUIRED
46" PROVIDED

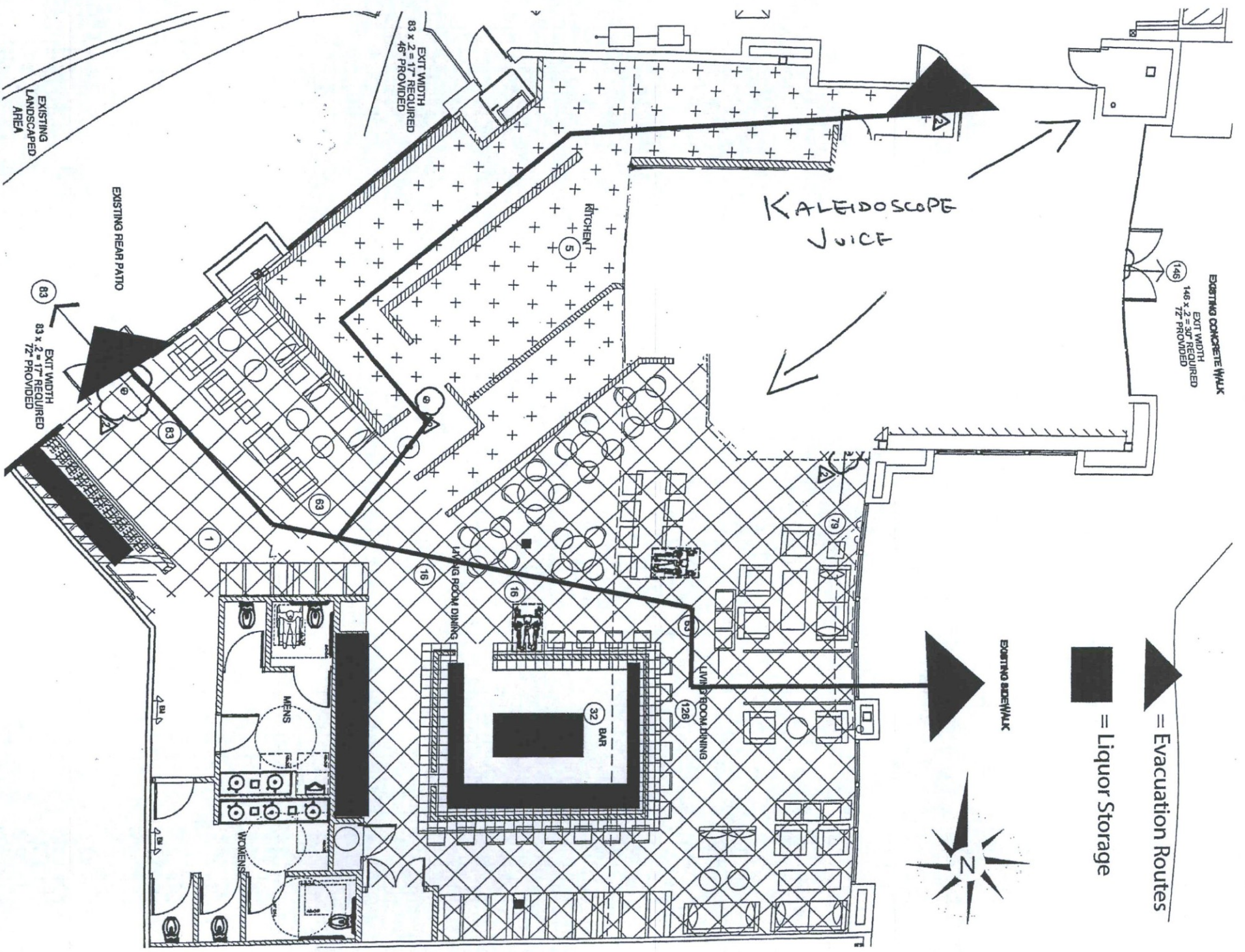
KALEIDOSCOPE
Juice

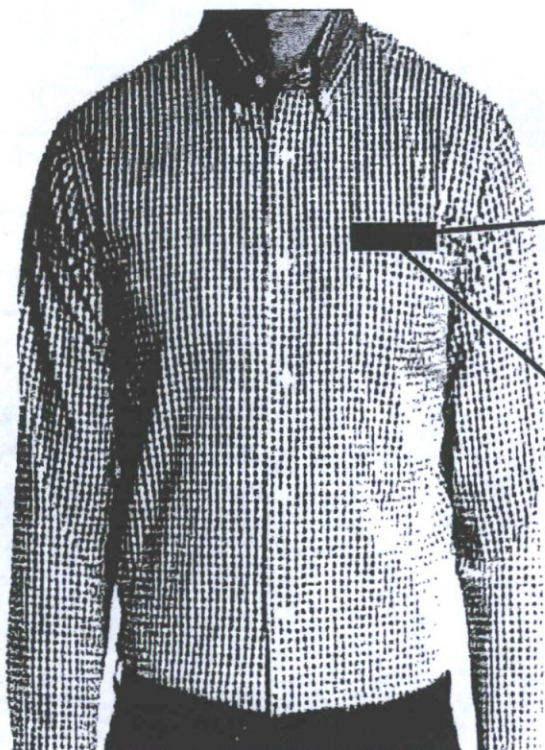
EXISTING CONCRETE WALK
EXIT WIDTH
146 x 2 = 37' REQUIRED
17" PROVIDED

83
EXIT WIDTH
83 x 2 = 17' REQUIRED
72" PROVIDED

EXISTING SIDE WALK

▲ = Evacuation Routes
■ = Liquor Storage





Security

3" By 1"

The Living Room Gainey Ranch Uniform Guidelines: All Security Personnel must wear a collared buttoned up dress shirt. All personnel must wear a Security Chalkboard Name-tag above the heart on the left chest. Dark jeans or slacks are required with dark black non slip shoes.

TB